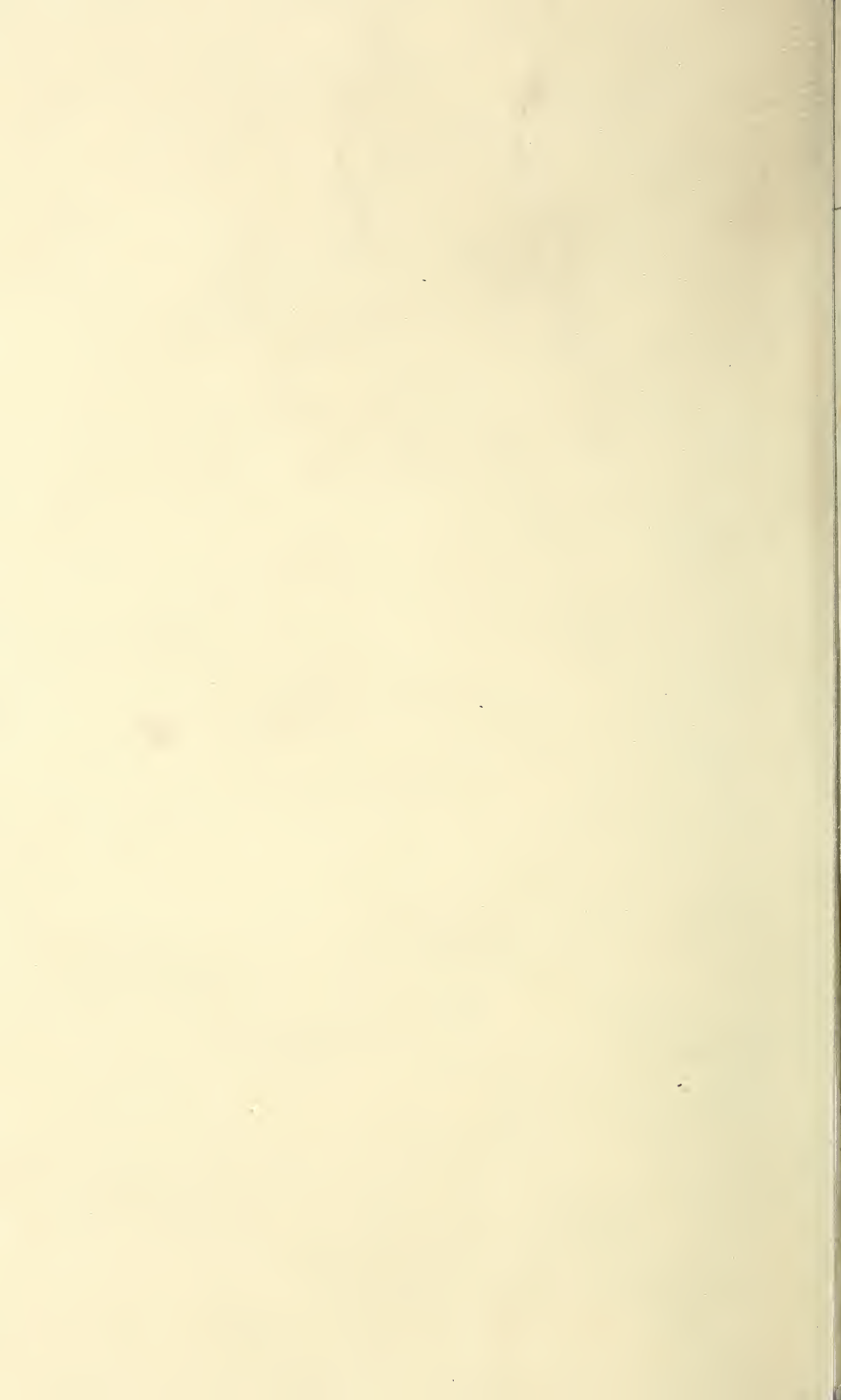
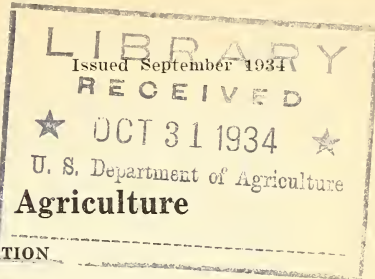


Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.





United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

21776—21825

[Approved by the Acting Secretary of Agriculture, Washington, D.C., August 30, 1934]

21776. Supplement to Notice of Judgment no. 19651. Adulteration and misbranding of B. & M. U. S. v. 33 Small Bottles, et al., of B. & M. Decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 26939, 26940, 26968, 26980, 26981, 26984, 26987, 26989. I.S. nos. 28222, 29487, 29488, 29559, 29560, 34717, 34718, 34720, 34734, 35857, 35859, 36399, 39486. S. nos. 5147, 5154, 5162, 5191, 5192, 5197, 5198, 5205.)

Misbranding of B. & M. and B. & M. External Remedy. U. S. v. 2 Dozen Bottles of B. & M., et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 26983, 28526, 28528, 28621, 28686, 28688, 28689, 28692, 28693, 28701, 28741, 28745, 28829, 28830, 28833, 28834, 28866, 28867, 28894, 28929, 28930, 28957, 28974. I.S. no. 58517. S. no. 5194. Sample nos. 326-A, 329-A, 330-A, 767-A, 769-A, 770-A, 1447-A, 1448-A, 2127-A, 2128-A, 2649-A, 2650-A, 4082-A, 4325-A, 4326-A, 5990-A, 6882-A, 6883-A, 7719 to 7722-A, 8438-A, 8439-A, 13207-A, 13208-A, 13277-A, 13278-A, 13404-A, 13405-A, 15103-A, 15404-A, 18177-A, 18801-A, 18828-A, 18829-A.)

On July 19, 1932, the date on which the verdict was returned in the district court for the District of Maryland, finding certain shipments of B. & M. misbranded because of false and fraudulent curative and therapeutic claims in the labeling, there were pending in the Federal courts for the Districts of Western New York, Northern Illinois, Eastern Michigan, Western Pennsylvania, Eastern Virginia, and Southern New York, nine seizure actions in which libels had been filed between the dates of September 4, 1931, and September 25, 1931, against approximately 506 bottles of B. & M., in various lots at Buffalo, N.Y., Chicago, Ill., Detroit, Mich., Pittsburgh, Pa., Richmond, Va., and New York, N.Y. The libels alleged that the article had been shipped in interstate commerce; that all shipments but one had been made by the F. E. Rollins Co., from Boston, Mass., between the dates of August 4 and September 9, 1931, and that the remaining shipment had been made by the Mutual Drug Co., from Cleveland, Ohio, to Pittsburgh, Pa., on or about July 23, 1931; and charged that the article was adulterated and misbranded in violation of the Food and Drugs Act as amended.

The libels alleged that the article was adulterated and misbranded in the same respects as the product involved in the case instituted in the District of Maryland against certain quantities of B. & M. (Notice of Judgment No. 19651.)

The F. E. Rollins Co., Boston, Mass., appeared as claimant and filed answers and exceptions to the above libels. On March 17, 1933, the libel filed in the Southern District of New York was amended, the amended libel charging misbranding of the article because of the false and fraudulent curative claims appearing in the label; no answer or exceptions were filed to the amended libel.

Between the dates of July 17 and August 30, 1932 (and subsequent to the verdict in the case tried in the District of Maryland), seizure proceedings were instituted in the Federal district courts for Southern Florida, Northern Alabama, Eastern Pennsylvania, Northern California, Oregon, Eastern Wisconsin, Western Washington, Minnesota, Eastern Missouri, Southern Mississippi,

Western Texas, Southern California, Eastern Louisiana, Southern Texas, Arizona, Southern Ohio, Middle Tennessee, New Mexico, and Northern Illinois against approximately 2,660 large and small bottle of B. & M. and 105 bottles of B. & M. External Remedy, in various lots within the jurisdiction of the said courts. The libels alleged that the articles had been shipped in interstate commerce; that the greater number of shipments had been made by the F. E. Rollins Co., from Boston, Mass. (one shipment by the National Remedy Co. of Boston, Mass., predecessor of the F. E. Rollins Co.); that certain shipments had been made by George F. Sargent from Oakland, Calif., and the Mutual Drug Co., from Cleveland, Ohio; that the shipments had been made during the period from November 6, 1928, to July 30, 1932; and that the articles were misbranded in violation of the Food and Drugs Act as amended.

The libels filed against the B. & M. charged that the article was misbranded in that certain statements in the labeling regarding the curative and therapeutic effects of the article were false and fraudulent. These statements, which were set out in full in the libels, were identical with or substantially the same as the false and fraudulent claims quoted in Notice of Judgment no. 19651.

The libels filed against the B. & M. External Remedy charged that the bottles, cartons, and circulars bore false and fraudulent claims as to the effectiveness of the article in the treatment of tuberculosis of the lungs, glands, and other parts of the body, pneumonia, bronchitis, coughs, rheumatism, infantile paralysis and other germ or inflammatory disease, pleurisy, la grippe or influenza, asthma, catarrh, hay fever, rheumatic fever, lumbago, neuritis, neurasthenia, peritonitis, scarlet fever, diphtheria, whooping cough, croup, mumps, blood poisoning, autointoxication, kidney and bladder trouble, indigestion, varicose veins, stiff joints, pain and inflammation, laryngitis, bronchitis, coughs, and bites of poisonous insects.

No appearances or claims were entered in the cases filed subsequent to July 19, 1932, and those entered prior to that time were withdrawn. Between the dates of August 18, 1932, and October 3, 1933, judgments of condemnation were entered in the cases and the products were ordered destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21777. Adulteration and misbranding of Chocolate-Flavor Cascarets. U. S. v. 12 Dozen and 8 Dozen Boxes of Chocolate-Flavor Cascarets. Default decree of forfeiture. Product delivered to Federal agency. (F. & D. no. 31265. Sample no. 47050-A.)

This case involved the interstate shipment of a product labeled to convey the impression that it was a candy; that it had the same medicinal constituents as "Candy Cathartic Cascarets"; and that it derived its essential property from cascara sagrada. Examination showed that the article was not a candy but was a drug; that its principal therapeutic agent was the synthetic cathartic phenolphthalein; and that it was not the same product which the public had become familiar with under the name, "Candy Cathartic Cascarets."

On October 23, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 dozen boxes of Chocolate-Flavor Cascarets at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 29, 1933, by the Sterling Products Co., Inc., from Wheeling, W.Va., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of lozenges composed essentially of laxative drugs, including phenolphthalein (2.1 grains each), incorporated in sweetened, flavored chocolate.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely: (On metal container) "Cascarets"; (on circular accompanying the retail package) "Cascarets A New * * * Form Of An Old, Time-Tested Remedy For many years, candy Cascarets have pleased the palate of old and young. And now they are even better, having been given a rich chocolate flavor * * * You will find the modern Cascaret, with its satiny chocolate flavor, a double delight. But for those who might prefer their old favorite, unchanged, plain Cascarets will continue to be sold * * * Their action is the same"; (on circular accompanying another article in the same

shipment, cut depicting a monk removing bark from a tree, accompanied by the legend, "'Cascara Sagrada"—Sacred Bark" and the statements, "Cascarets contain cascara, which is Nature's own laxative. Cascara comes from the bark of a tree in the far West. Its name is *cascara sagrada* (sacred bark). Grown in the great outdoors. Combined and refined with other valuable ingredients. Real licorice and pure cane sugar are added and it is pressed into these candy-like tablets * * * Cascara will not lead to any harmful habit. Physicians declare cascara an ideal laxative * * * So you need never hesitate to take Cascarets or to give them to children", which statements constituted representations that the cathartic ingredient of the article was derived from cascara sagrada, whereas it contained no ingredient derived from cascara sagrada, but did contain a synthetic cathartic phenolphthalein.

Misbranding was alleged for the reason that the following statements, appearing in the labeling, were false and misleading, (metal container and circular) "Cascarets", (circular) "A New, Delightful, form of an old, time-tested remedy. For many years, candy Cascarets have pleased the palate of old and young. And now they are even better, having been given a rich chocolate flavor * * * You will find the modern Cascaret, with its satiny chocolate flavor, a double delight. But for those who might prefer their old favorite unchanged, plain Cascarets will continue to be sold * * * Their action is the same", (metal container) "Candy Laxative", and (circular) "Candy" since the said statements created the impression that the article was a preparation of cascara sagrada and that it had the same medicinal constituents as the article marketed under the designation "Candy Cathartic Cascarets", whereas the article was a preparation of phenolphthalein, and its physiologically active constituents were not the same as those in the product known as "Candy Cathartic Cascarets." Misbranding was alleged for the further reason that the statements on the circular, "Cascarets are made from a formula quite unlike the common cathartic formulas. They do their work in quite a different way", (metal container) "Laxative", and (circular) "Candy", were false and misleading, since the active constituent, phenolphthalein, is a common ingredient of cathartics and is not peculiar to the preparation, and the article was essentially a phenolphthalein preparation, not a candy. Misbranding was alleged for the further reason that the following statements, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Circular) "Cascarets cleanse the whole intestinal tract and sweeten the whole system * * * Constipation of a stubborn kind may be treated by a Cascaret each morning and night until the bowels are thoroughly flushed and they have regained their normal, regular action. * * * in extreme cases"; (tin container) "For habitual constipation."

On December 21, 1933, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be delivered to the Food and Drug Administration of this Department, for use in analytical research.

M. L. WILSON, *Acting Secretary of Agriculture.*

21778. Misbranding of Vitalitea. U. S. v. 247 Packages of Vitalitea. Default decree of condemnation and destruction. (F. & D. no. 30868. Sample no. 29702-A.)

Examination of the drug preparation, Vitalitea, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On or about August 17, 1933, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 247 packages of Vitalitea at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about June 19, 1933, by the Vitalitea Co., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a mixture of senna and maté.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and in a circular shipped with the article, regarding its curative and therapeutic effects, were false and fraudulent: (Carton) "Vitalitea 'In Every Vitality' * * * Directions Put

one tablespoonful Vitalitea in pot containing two cups boiling water, steep until it is cool enough to drink. Pour thru strainer. Note:—(This amount can be steeped four times and the fourth steeping equally as beneficial as the first). * * * No worries about fat, indigestion gas, * * * When you drink Vitalitea, common sense dieting assists materially in obtaining desired results. Vitalitea having diuretic and laxative qualities. Promotes elimination thru proper channels * * * Vitalitea Company"; (circular) "Vitalitea Reduce Safely While You Eat * * * Vitalitea The value of Vitalitea as a weight balancing agent does not depend upon any arbitrary diet rules or charts. You may eat any sensible food and follow your natural eating habits, but do not eat three substantial meals in a row. If you had a light lunch you may have a heavier dinner or vice-versa. If you are eating roast pork, for instance, eat sparingly of potatoes, beans, gravy, bread and butter, or sweet dessert. Vitalitea is a normalizer, a balancer of weight, a natural method of eliminating excess fat. But, the more of fat producing foods you eat the harder it is for Vitalitea to help you reduce, and the longer it will take to reach the desired weight. * * * To help you in a sensible way, without loss of health or vitality, or drastic changes in your eating habits, we recommend the following method of using and choosing your food * * * Keep Your Health With Vitalitea No longer need you starve yourself sick or endanger your health with harmful reducing drugs or worry about every morsel of food you take. Vitalitea, the scientifically blended, health-building herb beverage helps you reduce safely while you eat. Vitalitea Balances your weight, eliminates surplus fat and does it in a safe, sensible, Natural Way. Vitalitea stimulates your muscles, and glands. It is a splendid tonic * * * and regulator. It contains all the necessary food elements to maintain health and vitality. It is recommended as a safe-guard against insomnia, as an aid in the cure of stomach and kidney trouble, and as a stimulant without any reaction. Drink Vitalitea! * * * Drink before, after, or with your meals, and reduce Safely while you eat. The Vitalitea Company."

On October 16, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21779. Misbranding of acetphenetidin. U. S. v. Nine 1-Pound Cartons and Nineteen 4-Ounce Cartons of Acetphenetidin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30779. Sample nos. 37528-A, 37529-A.)

This case involved interstate shipments of acetphenetidin, the packages of which were not labeled to show that the article was a derivative of acetanilid.

On or about July 29, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine 1-pound cartons and nineteen 4-ounce cartons of acetphenetidin at Baltimore, Md., alleging that the article had been shipped in interstate commerce in part on or about July 11, 1933, and in part on or about July 19, 1933, by the Monsanto Chemical Works, from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement on the label that the article was a derivative of acetanilid.

On December 8, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21780. Misbranding of Bron-Co Capsules. U. S. v. Pacific Laboratories, Inc. Plea of nolo contendere to first count, and guilty to second count. Fine, \$50. (F. & D. no. 30236. Sample no. 1803-A.)

Examination of the drug product, Bron-Co Capsules, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Analysis showed that the article contained acetanilid, which was not declared on the label as required by law.

On September 30, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the

district court an information in two counts against the Pacific Laboratories, Inc., a corporation, trading at Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about August 29, 1931, from the State of California into the State of Washington, of a quantity of Bron-Co Capsules that were misbranded.

Analysis of a sample of the article by this Department showed that it consisted of capsules containing sodium and ammonium chloride and sulphate, a phenolic compound, and acetanilid (0.042 gram per capsule).

It was alleged in the first count of the information that the article was misbranded in that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the label of the box containing the article and in an accompanying circular, falsely and fraudulently represented that it was effective relief for difficult breathing; effective as a treatment, remedy, and cure for bronchial and throat disorders in poultry, bronchitis or bronchopneumonia, pulmonary catarrh, cough, rattling in the throat, and difficulty and uneasiness of breathing; effective as a treatment, remedy, and cure, for four different kinds of bronchitis, the acute, the chronic, the fetid, and the fibrinous; and effective as a treatment, remedy, and cure for throat and trachea disorders. Misbranding was alleged in the second count for the further reason that the article contained acetanilid and the label on the package failed to bear a statement of the quantity or proportion of acetanilid contained in the article.

On November 20, 1933, a plea of *nolo contendere* was entered to the first count of the information, a plea of guilty was entered to the second count, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21781. Adulteration and misbranding of Phenlin Oris. U. S. v. John H. Wood Co. Plea of guilty. Fine, \$75. (F. & D. no. 30299. Sample no. 9347-A.)

This case was based on an interstate shipment of a drug preparation known as Phenlin Oris, the label of which bore unwarranted claims as to its effectiveness as an antiseptic and germicide and as a preventive against infection.

On November 24, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the John H. Wood Co., a corporation, Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 15, 1932, from the State of Pennsylvania into the State of Massachusetts, of a quantity of Phenlin Oris that was adulterated and misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of an ointment with a petrolatum and paraffin base containing small proportions of cresylic acid and water. Bacteriological tests showed that the article was not antiseptic.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be an antiseptic for all cracked or roughened conditions of the lips, and a germicide for all germ culture upon the mucous membrane or skin, whereas it was not an antiseptic or germicide as so represented.

Misbranding was alleged for the reason that the statements on the label of the jar containing the article, "Antiseptic for all cracked or roughened conditions of the lips. * * * Rubbed upon mucous membrane or skin it destroys all germ culture", were false and misleading, since the article was not antiseptic for all cracked or roughened conditions of the lips and would not destroy all germ culture upon the mucous membrane or skin. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the label, falsely and fraudulently represented that it was effective as a preventive against infection, whereas the article contained no ingredients or medicinal agents effective as a preventive against infection.

On December 11, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

M. L. WILSON, *Acting Secretary of Agriculture.*

21782. Misbranding of Tru-Aspikum and Tru-Koff-Ade. U. S. v. 37 Cartons of Tru-Aspikum and 55 Cartons of Tru-Koff-Ade. Default decree of condemnation and destruction. (F. & D. nos. 30943, 30944. Sample nos. 42121-A, 42122-A.)

This case involved drug preparations put up in the form of chewing gum. Examination disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings.

On September 1, 1933, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cartons of Tru-Aspikum and 55 cartons of Tru-Koff-Ade at Great Falls, Mont., alleging that the articles had been shipped in interstate commerce in various shipments on or about October 3, 10, and 19, 1928, by the Tru-Lax Manufacturing Co., from Newark, N.J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Tru-Aspikum consisted essentially of acetylsalicylic acid and salicylic acid incorporated in a mixture of sugar, starch, and gum; and that Tru-Koff-Ade consisted essentially of peppermint oil, a pungent substance, such as red pepper, and a trace of an alkaloid, incorporated in a mixture of sugar, starch, and gum.

It was alleged in the libel that the articles were misbranded in that the following statements regarding their curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Tru-Aspikum, carton) "Especially recommended for sore throats * * * For * * * acute rheumatism * * * and other pains of nervous origin, also for the relief of gout, sciatica, tonsilitis, influenza * * * For relief of * * * and other Pains of Nervous Origin"; (display card) "Does Not affect the Heart"; (circular) "Chew Tru-Aspikum for * * * and other pains of nervous origin * * * its antiseptic ingredients mix with saliva and are carried over sore spots in the mouth and throat"; (Tru-Koff-Ade, carton) "For * * * Hoarseness, Bronchitis, Asthma, Coughs * * * For * * * Hoarseness, etc. * * * For coughs"; (display card) "For Coughs * * * Remedy for Coughs * * * etc."; (circular) "Tru-Koff-Ade * * * will quickly loosen the phlegm and relieve hoarseness, sore throat, bronchitis * * * nasal catarrh and other irritations of the throat and mouth."

On November 24, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21783. Misbranding of Hart's Swedish Asthma and Hay Fever Medicine. U. S. v. 22 Bottles of Hart's Swedish Asthma and Hay Fever Medicine. Default decree of condemnation and destruction. (F. & D. no. 31283. Sample no. 40273-A.)

Examination of the drug preparation involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was represented to contain 4 percent of alcohol, whereas analysis showed that it contained no alcohol.

On October 27, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 bottles of Hart's Swedish Asthma and Hay Fever Medicine at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 28, 1933, by Hart's Swedish Asthma Medicine Co., from Buffalo, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of potassium iodide (12 grams per 100 milliliters), glycerin, coloring, and flavoring.

It was alleged in the libel that the article was misbranded in that the statement on the bottle label and wrapper, "Pure Grain Alcohol 4 per cent", was false and misleading, since the article contained no alcohol. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Bottle and wrapper labels) "Swedish Asthma and Hay Fever Medicine * * * Directions Adults. One teaspoonful in quarter of glass of water, after each meal, in severe cases on retiring. Children. Under twelve, three quarters of

teaspoonful in quarter glass of water, after each meal * * * Do not wait until you have a spasmodic attack to take this medicine; it is to keep you from having those spasmodic attacks"; (white circular) "Swedish Asthma Medicine * * * Swedish Asthma Cure * * * Asthma and Hay Fever * * * Swedish Asthma and Hay Fever Medicine * * * For Asthma Bronchial Trouble and Hay Fever * * * Swedish Asthma Cure * * * Asthma * * * Hart's Swedish Asthma Medicine * * * for asthma and hay fever * * * A Swedish practitioner, having had the asthma for thirty years, and after trying every known remedy without success, commenced to experiment on himself for the treatment of this dreaded disease. After experimenting for eleven months, he was successful in relieving himself of the Asthma. We are now putting this preparation of careful study and experience before the people afflicted with this dreaded disease. Hart's Swedish Asthma and Hay Fever Medicine is a preparation, carefully compounded * * * and stands to-day without a peer in the treatment of all cases of Asthma. * * * and can be administered indefinitely to the weakest stomach without creating a repugnance to its use. High above fame and wealth stands the spirit of devotion to duty in the preservation of your health, by relieving yourself of a disease which will eventually wear you out. Hart's Swedish Asthma and Hay Fever Medicine is easy to take, and there are but two directions to follow while taking our medicine: Avoid the use of milk as a beverage. When retiring at night lie on the back, for in this position the lungs and heart easily perform their functions. No matter how many doctors you may have tried—no matter how much money you may have spent on other medicines, you really owe it to yourself to give Hart's Swedish Asthma and Hay Fever Medicine a trial. Its staunchest friends to-day are those who had almost given up hope of ever becoming well. Read The Following Testimonials and ask your Druggist for Hart's Swedish Asthma and Hay Fever Medicine. If he will not supply you, we will. Hart's Swedish Asthma Cure Co. * * * [testimonials]

'I have tried a sample bottle of your cure, and it has done me a world of good. I have had the asthma for 20 years and when I take your medicine I do not have it.' * * * 'I have taken half a bottle of Hart's Swedish Asthma Cure, and it has helped me more than any asthma medicine I have taken in six years. It has stopped a very bad cough. I would cough from the time I went to bed till I got up the next morning * * *. Now I can lay down and rest nights without coughing any. Everyone says I am looking fine. * * * I am gaining flesh every day.' * * * 'I received the free sample of "Hart's Swedish Asthma Cure." I feel very thankful to you and Mr. Griffen for sending my name and free sample. I have tried all the town doctors and so many kinds of so-called cures, which only gave me temporary relief. I gave up all hopes of being cured until I tried your sample, and found great relief. I have suffered for nine years. I didn't know what it was to leave the window winter or summer, to lay down and rest day or night. * * * I know your remedy is the best for asthma yet discovered.' * * *

'One week ago today, Mr. Adams came to my house and stated that he was entirely cured from the asthma through the use of your wonderful Hart's Swedish Asthma Cure. He said he had used three (3) bottles of it. My wife is a great sufferer of the asthma over half of her life, fall, summer and winter. She has just had a five (5) weeks' siege and there is still no let up. Will you please send me a bottle, and if it has the same effect on her as it did on Mr. Adams, it will be a relief to her and the household. I never saw Mr. Adams look so well and breathe so clear in years as he does now. Please give me prices and size of bottle that you intend to sell to the sufferers of this horrible disease.' * * * 'I have taken one bottle of Hart's Swedish Asthma Cure, from Mr. S. L. Kenny, at Laurel, and feel very much relieved.' * * * 'I received the free sample of Hart's Swedish Asthma Cure. I feel very thankful to Mr. Preuss for sending my name, also to you for sending the free sample, for otherwise I probably would never have tried it, for I never heard of it before. I have tried so many kinds of so-called cures, which were only remedies giving temporary relief, and some of them scarcely that. I had long since made up my mind that there was really no cure for asthma, especially in cases like mine where one has suffered with it since infancy (my father before me having had it all his life), and now I am nearly 48 years old. I was free from it for about two years after I came to this coast but it came upon me again. It was with meager faith I began the new medicine. It did not do me any good until I had taken it for a week or more, then

I saw that I was improving, and now while I am using the last of the sample bottle, I feel better than I ever expected to be, and I believe that it will cure me if I keep using it.' * * * 'It came in good time and in good condition. * * * I do not have any symptoms of asthma either in the day or night. This seems incredible and yet it is true. Hart's Swedish Asthma Cure is wonderful in its effects on the system. I wish I could tell every sufferer of asthma just what it has done for me.' * * * 'Having been a sufferer from asthma for nearly fifty years, and like all others who are afflicted with this distressing complaint, I have tried numerous asthma remedies with only temporary relief. At last I procured a bottle of Hart's Swedish Asthma Cure, which relieved me very quickly. Since taking it my health has greatly improved, and that without any ill effect from the medicine, which I consider perfectly harmless. From my own experience, I feel that I can safely recommend it to the most delicate constitution. I consider it the best remedy for asthma yet discovered.' * * * 'I can say that Hart's Swedish Asthma Cure, sent me, has perfectly cured me, and that I can go out in any kind of weather. Hart's Swedish Asthma Cure is the best thing that I ever took for the asthma.' * * * 'The three bottles of Hart's Asthma Cure sent me by you, for my little daughter, Fredrica, I am glad to say, have entirely cured her of the asthma and bronchial trouble she has had for seven years. We had about made up our minds she would be a confirmed invalid, as we had placed her under the care of several of the best physicians, both of Chicago and Milwaukee, and none were able to cure her—only give relief. The last physician said it was the worst case of asthma he had seen.' * * * 'Yours of the 12th to hand, and am glad to give you my testimonial in regards to your Hart's Swedish Asthma Cure. I have had asthma for 22 years, and a bad case. I have suffered terribly and lost all hopes of being cured, but can say with joy that I am on a good foundation for it now. I am a walking skeleton six weeks ago. When I sent to you for a bottle of your Hart's Swedish Asthma Medicine, I weighed 109 pounds, and was so weak I could do no hard work and had no rest at night. I had to get out of bed four or five times a night and smoke some asthma powder. In four days after commencing the use of your medicine I did not have to get up any more, and I haven't had to get up since, and I have got my second bottle from Mr. Ned Howard, Wooster, and today I can say that I have had no bad spells. I can lie down at nine and sleep until seven in the morning, and get up feeling good. I weigh 126 pounds; more than I ever weighed in ten years. I feel ten years younger than I did six weeks ago. * * * I sent your address to * * * a sufferer of asthma.' * * * 'About a year ago a friend of mine mentioned your Asthma Cure to me. Having had asthma for nearly thirty years and having tried nearly everything that could be found with varying results, I was loath to try a new remedy to be again disappointed. My friend procured me a bottle of Hart's Asthma Cure and insisted on my taking it, assuring me that it would help me. I did so and was very agreeably surprised to find that it relieved my asthma. I have taken the medicine ever since and am more than happy to say that I have not had a single spasmodic attack since I have taken it. Having received so much benefit from its use, I am not disposed to give it up and ask you to kindly send me a fresh supply (the usual amount) as I don't want to take any chances of a relapse.' * * * 'It gives me great pleasure to recommend "Hart's Swedish Asthma Cure" to every one afflicted with asthma.' * * * 'It is just one year this month that my father began to take your medicine. Since that time he has taken it steadily except when he was obliged to take kidney or bladder or some other medicine. He is 89 years old, and his sufferings from asthma has been terrible. Your medicine is the only thing out of the hundreds of different ones that I have bought that would have any effect after a few days. He is now, and has been for the last year, comparatively comfortable. Can lie down at night, walk about, and can breathe quite clear. He will be obliged to take it as long as he lives, we think. We do not look for a cure. Now, if you would like a testimonial, you may write one out; make it as strong as you please, and send it to me, and my father will be glad to sign it and return it to you.' * * * 'I hasten to beg your pardon for not thanking you for sending the sample of Hart's Asthma medicine * * * I will say it had done me a great deal of good. I take it all the time and have recommended it to a number that are suffering as I have. After I had taken the bottle of medicine you had sent, there was a long time before I could get any more, but at last another druggist sent for

it and now I am safe. * * * I have a very bad cold but do not suffer from the asthma at all. I think it is fine.' * * * 'If I could, I would like to send a bottle of your Cure to every sufferer from asthma in the United States as a Xmas gift. I have taken three bottles and I knew its value before I had taken one-third of the first bottle. I could breathe free and sleep like a child. My weight then was 140 pounds. At the present time it is 172. Am on the police force at night; exposed to all kinds of weather. Am 53 years old. Am acquainted with a gentleman * * * who has been a sufferer for years; often not able to do any work, and it has wrought wonderful results in his case.' * * * 'The sample of Hart's Swedish Asthma and Hay Fever Cure sent by you to Mr. F. W. Burhans, was given to me. I used it and was much benefited. * * * I can heartily recommend its use to all suffering from asthma. It has helped me very much, and I have had asthma since birth.' * * * 'I received a sample of your Asthma Cure. It did me a great deal of good. I have had the asthma over 54 years, and my wife has the hay fever, and she thought it helped her, and also a neighbor tried it, and it helped her. We have both of us had colds lately, but have not had the asthma, so I think it helped us.' * * * 'I received the sample you sent last winter, and it helped me so much. I took another \$1.50 bottle, and expect to take more of it. I'm much better this winter than I ever was before. I think it is certainly marvelous.' * * * 'I am so very glad to be able to write you telling you of the wonderful effects of your Hart's Swedish Asthma Cure upon myself. Have been a sufferer from the dreaded complaint since the winter of 1888. Every winter would be obliged to leave my bed several times through the night to relieve myself by burning a fumigator, inhaling the smoke. About two months ago I received your letter directing me to get a bottle of your medicine from our druggist * * *. I did so, Found some relief from the trial bottle. Have used it since, and feel now as if entirely cured. Have kept my bed at night and slept sweetly; never once being obliged to rise until morning. I feel as though I had a new lease of life. Am strong and hearty as an ox. Friends are all surprised. Hoping all sufferers will be able to try your valuable and priceless remedy.' * * * 'Henry Long, of this city, who has been a great sufferer (if not the worst case in the city), has used one bottle he got from you, and now on his second, says it is worth \$10.00 per bottle. He can sleep the entire night without any interruption whatever, something he has not been able to do in years. Last spring my wife had a severe case of measles. The doctor expected to find her suffering with asthma, but said he found her perfectly free from it and her lungs in better shape than he had ever found them. I trust they may stay so. This is the best year she has put in in 15 years.' * * * 'I obtained a free sample of your Hart's Swedish Asthma and Hay Fever Cure and have used four bottles, and feel that I am entirely cured of asthma. I had not been able to attend to my business for a long time until I heard of your medicine and commenced its use, and for the past two months have been able to do all kinds of work, and my family as well as myself wish to thank you very kindly for sending me the free sample of your medicine, otherwise I probably would never have tried it. It will give me great pleasure to recommend your Hart's Swedish Asthma and Hay Fever Cure to anyone afflicted with asthma.' * * * 'Glad to hear from Hart's Swedish Asthma Cure Co. I never forget the good it done me. I feel all right now. Ned Howard saw me and knowing me as the worst sufferer of asthma, he told me that he had a medicine that would cure me. Well, I will tell you how I got the asthma July, 1900. I am a woodwork body carriage maker. I overworked myself. I took a bad cold and a cough. I got worse; I doctored; I paid out lots of money; finally the doctor told me he could do me no good; that I had to go to another climate; that I was the worst case he ever saw. No medicine would help me, but another climate would do me good, so I went first to Chicago. I have a son there. I intended to stay a week; that was in September, but I got so bad I was not fit to go any farther West. My son got me a doctor, a first-class doctor. He attended me until March. About seven months ago he told me that Chicago was a bad place for asthma, and I was the worst case he ever saw. If it were not that I had a constitution like a horse, I would have died. I got to Kansas City, Mo. I got a doctor again, a good doctor. He gave me a medicine but done me no good, so he doubled the dose and I got relief for the time being. I stayed until July 1901, and the weather got so hot and the hot winds, I could not stand it, so I took the first train and went to Chicago again. I stayed

five days with my son, but the change was too much for me, so I went to my home in Wooster, Ohio. I got what they call hay fever and bronchitis, and now this is my case of asthma, so now it cost me over \$250 for expenses, car-rides, etc., and no better I felt. I made up my mind to stop and pay no more money out for medicine. I have not been able to do a day's work for a long time. I have not earned a dollar since July, 1900, so I met my friend, Mr. Howard. He said, "I am glad to see you, I have got a medicine that will cure you surely." I said, "I have paid out all the money I am going to pay out. Paid \$250. No better I feel." Mr. Howard gave me a sample of your medicine. I had now just one bottle, and am on the second one, and that is going very fast, and I will get the third one if I can. I won't do without. Now you can see what I had to go through. I had a hard time of it. I often said I would not live until morning, but, thank God, if I would have had Hart's Swedish Asthma Cure before I went West, I could have saved all my money. By paying \$1.50 I would get relief. I went to Ned Howard and got one bottle. I had a hard cough at the time. I took the medicine as directed and the fourth day I had no more cough, and I go to bed and can sleep fine. I have lots of callers that ask, "What are you taking?" "I take Hart's Swedish Asthma and Hay Fever Cure. This is the best thing you can get for asthma." You are welcome to use my name. If I know a poor sufferer with asthma, I shall go and see him surely and tell him what it will do. I had the expense of getting rid of \$250 while one bottle for \$1.50 of your medicine did me more good.' * * * The golden rod is one of the most popular and prolific among the wild flowers of the Central States, but unfortunately there are a great many people who possess very sensitive olfactory organs, who, coming in contact with the wind that blows from the golden rod—laden with fine pollen dust of the blossoms—contract a most unpleasant malady known as hay fever, caused by the soft membrane of the nasal passage becoming highly irritated. The pollen dust from a number of other plants also causes the same irritation when inhaled. Heretofore the sufferer from this grievous ill had to hide himself to some secluded spot or resort where the air was pure, dry and free from these irritating substances, but at last he can bid defiance to them and summer where he pleases. A remedy has been discovered, a remedy that was carefully, after much thought, experiment and experience, compounded many years ago by a venerable Swedish physician. The result of his study and researches was a remedy for the relief of asthma. This at first he prescribed only among his own patients, but gradually the fame of his remedy spread to other countries, and he finally decided to place it in other hands that it might be prepared in quantity and reach the many sufferers from that extremely distressing malady, asthma. Mr. A. Thomas Hart has now become the possessor of this valuable secret, and has opened up an office for its manufacture and sale at Buffalo, N. Y. While originally it was prepared solely for the relief of asthma, it was discovered not long since that its use in a case of hay fever gave prompt relief. It is now known as Hart's Swedish Asthma and Hay Fever Medicine. It has been endorsed by many prominent physicians, and the most flattering encomiums have been written in its praise. Mr. Hart will be glad to give all necessary information concerning his medicine to those who are suffering from asthma or hay fever upon application at No. 611 Niagara Street, Buffalo, N. Y."; (leaflet) "'I have had the pleasure of taking half a bottle of Hart's Swedish Asthma Medicine and it has done me more good than any other medicine I have ever taken.' * * * 'After suffering seventeen years with asthma and spending a number of hundreds of dollars, I heard of your medicine, which helped me wonderful. In fact, I have been troubled very little in the last five years.' * * * 'I now write you a few lines to let you know how great your Hart's Swedish Asthma Medicine is. I have taken about everything that I could get and none did me any good. A friend told me about Hart's Swedish Asthma Hay Fever Medicine and I got a bottle of it and it did me so much good that I thought I would let you know about it.' * * * 'Have taken about six bottles of your Asthma Medicine and have received untold benefits from it. Before taking your medicine I weighed 84 lbs. and could not sleep at night for more than two hours. After two months of your medicine I now weigh 100 lbs. and am able to sleep all night.' * * * 'I have intended writing you a letter of acknowledgment and appreciation of what your wonderful Asthma remedy has done for me since my osteopath doctor recommended it to me several years ago—but have neglected to do so. I have just had another demonstration of what it can do so quickly and effectively that I am at my desk

determined to tell you now all about it. I have had what the doctors call spasmodic asthma for many years and at times have almost passed out from strangulation. Coming to California seemed to benefit me—but even here I have had desperate struggles with this trouble. About six years ago I went on a long motor trip in an open touring car and when I returned I was suffering so with congestion that I went at once to an osteopath for help. The congested condition continued and I could not rest at night. I could not get a free breath and I finally told the doctor something else must be done. Then he recommended your remedy. I am not exaggerating when I say the first dose relieved the congestion and I slept. I took six bottles and for three years had no return of the trouble. Now if I feel a wheezy condition I take a few doses and it all goes. I have given it to many people who have been relieved entirely—just as I was and who are most grateful— * * * I have given it to only one person who says she cannot take it. She is a friend who has suffered for thirty years with many complications. Her stomach is so weakened by strong drugs that everything causes gas and she will not persevere with anything and tries everything. I am saying with all sincerity that I feel certain this Asthma remedy of yours has given me many comfortable years which would otherwise have been passed in suffering—if I had lived.’ * * * ‘I have had asthma for five years recently and also when I was a child. The doctors tell me I have a very severe case. Have just gotten over a terrible spell, so bad that I had to have no less than 10 hypodermic injections of morphine in as many days. I have tried nearly everything on the market. A week ago today a man told my husband of your medicine, and I have been taking it since with wonderful results. So far I have slept five nights out of seven and the other two nights I have had a spell around 1 o'clock in the morning (5 or 6 hours). My chief reason for writing you at present is to enquire if it would be all right to take an extra dose of medicine if a spell should come on in the night. If the medicine continues as it has begun I shall be a wonderful booster for it.’ * * * ‘It is with much pleasure that I write you telling you the great benefit your medicine has been to my daughter. She has had asthmatic attacks for eleven years and I cannot tell you how much she has suffered. Now only 21 years old and well in all ways but for the dreadful attacks. It is useless to tell you what she has taken for relief trying to effect a cure, all these years we have doctored. To be brief, the last attack was severe. Then she began taking your medicine. After taking two doses her breathing was good and to our amazement for two weeks she was free of the wheezing.’ * * * ‘I have been troubled with asthma a number of years, and have tried several so called medicines, but nothing has helped me as much as Hart's Swedish Asthma Medicine. I took one of your samples and one of the \$1.50 bottles; I am feeling much better and will recommend the medicine to all I see suffering with asthma.’ * * * ‘For some years past have used Hart's Swedish Asthma Medicine—not only myself and family, but recommended it to my friends.’ * * * ‘After a severe case of bronchitis, I developed asthma. I tried all the cures I had ever heard of and all the doctors. A change of climate did me no good. For months at a time I slept in a chair. My own family doctor brought me a bottle of your medicine and said he knew of a man that it had relieved. I was tired out from lack of sleep and trying to breathe. They gave me a teaspoonful and in less than five minutes I was asleep. I slept twenty hours. The first rest I had had in nine long weeks. I took two bottles at that time and had no more asthma for two years. Lately I developed a bronchial cold and the asthma was coming back. I took one-half a bottle but with the first teaspoonful the asthma left me. Your medicine means more to me than you can ever know.’”

On December 6, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21784. Misbranding of Primley's Extract of Sarsaparilla. U. S. v. 12 Packages of Primley's Extract of Sarsaparilla. Default decree of condemnation and destruction. (F. & D. no. 31042. Sample no. 34153-A.)

Examination of the drug preparation involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels.

It was also labeled to convey the misleading impression that it derived its principal physiological effects from sarsaparilla and that it had been examined and approved by the Government.

On September 5, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 packages of Primley's Extract of Sarsaparilla at Des Moines, Iowa, alleging that the article had been shipped in interstate commerce on or about November 12, 1930, by the McKesson-Churchill Drug Co., from Peoria, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of potassium iodide, 1 gram per 100 milliliters, extracts of plant drugs, including a laxative drug, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the bottle label and carton, were false and fraudulent: (Bottle label) "An invaluable remedy for the diseases of the Blood and Liver * * * for Scrofula, Salt Rheum, Scurvy, Boils, Pimples, Bilousness, Chronic Sore Eyes, Fever Sores, Swelling of the Glands, Jaundice, Liver Complaint, Female Irregularities, General Debility, Syphilis, Pain in the Back, Night Sweats, Scald Head, Rheumatism, and as a Spring and Fall Purifier of the blood. Directions The Dose for adults is from one to two tablespoonfuls taken four times a day, half an hour before eating and on going to bed. The dose should be regulated according to the condition or constitution of the patient: only enough should be taken to keep the bowels open and regular. Regularity in taking this medicine is of great importance. Children from 1 to 2 years old may take half a teaspoonful 3 times a day: from 3 to 5 years old, 1 teaspoonful 3 times a day. It may be taken in water if more agreeable"; (carton) "For all Diseases Of The Blood And Liver Recommended Cutaneous Eruptions, Pimples on the face, Blotches: Scald Head Liver Complaint, Boils, Chronic Sore Eyes, Tetters, Pules, Ulcers, Fever Sores, Hip Disease, Swelling of the Glands, Salt Rheum, Erysipelas: Jaundice, Eczema, Ringworm, Loss of Appetite, Scrofula, (Or King's Evil.) General Debility, Night Sweats and as a Spring and Fall Purifier of the Blood. Is composed of vegetable remedies, all of which are known to the medical profession as taking front rank in curing the diseases of the Blood and Liver. * * * and now offer to suffering humanity a medicine that is positively unequalled for the diseases for which it is recommended. We do not put it out as a 'cure all,' but recommend it only for those diseases where its trial has proved it will cure or benefit. Often times it may be necessary to use several bottles to effect a cure, but generally one or two bottles will cure all but the most stubborn cases."

Misbranding was alleged for the further reason that the name on the carton and bottle label, "Extract of Sarsaparilla", was false and misleading, since the article would not derive its principal physiological effect from sarsaparilla; and for the further reason that the statement on the carton, "No. 2057. Guaranteed by us under the Food and Drugs Act, June 30, '06", was misleading, since it created the impression that the article had been examined and approved by the Government and that the Government guaranteed that it complied with the law, whereas it had not been approved by the Government, and the Government did not guarantee that it complied with the law.

On December 11, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21785. Misbranding of Hyssop Compound. U. S. v. 33 Bottles of Hyssop Compound. Default decree of destruction. (F. & D. no. 30477. Sample no. 35800-A.)

Examination of the drug product, Hyssop Compound, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle label and in a circular shipped with the article. The article contained less alcohol than was declared and bore on the bottle label a guaranty which conveyed the misleading impression that it had been approved by the Government.

On May 20, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of 33 bottles of Hyssop Compound at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about April 10, 1933, by the Hyssop Medicine Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs, including a laxative drug, potassium iodide (1.24 grams per 100 milliliters), alcohol (13 percent by volume), sugar, and water.

It was alleged in the libel that the article was misbranded in that the statement on the bottle label, "Alcohol 25%", was false and misleading, since the article contained only 13 percent of alcohol; and for the further reason that the statement on the bottle label, "Guaranteed by Hyssop Compound Medicine Company, Kansas City, Kansas, U.S.A. Chicago, Ill. Under the Food and Drugs Act, June 30th, 1906, Serial No. 44168", was misleading since it created the impression that the article had been examined and approved by the Government and that the Government guaranteed that it complied with the law, whereas it had not been so approved and was not guaranteed by the Government to comply with the law.

Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the declaration was incorrect. Misbranding was alleged for the further reason that the following statements appearing on the bottle label and in the circular, regarding the curative or the therapeutic effects of the article, were false and fraudulent: (Bottle label) "For Nervous Diseases Such As Weak Memory, Loss of Brain Power, Pain in the Back * * * Hysteria, Wakefulness, Nervous Prostration, Scrofulous Affections, Leucorrhoea, Nightly Emissions, Loss of Sexual Power, Rheumatism, Etc. Directions: One teaspoonful in a wine Glass of water after each meal and continued even after beneficial results are felt"; (in circular) "You Insure Your Life Why Not Your Health? * * * A powerful alternative recommended in the treatment of the more serious blood conditions. Saves Human Life. Safer Surer Cheaper than Serum treatment. * * * Don't become discouraged, don't give up, if you have the misfortune to be affected with a serious blood taint that seems to baffle the skill of your physician. Don't despair. Keep up your courage. There is help for you. Your physician very likely is not equal to the demands of your case, that is all. Hyssop Compound is probably the most efficient remedy known in the treatment of all constitutional blood affections. Where help is possible, we know of no other medicine that surpasses Hyssop Compound in the quick and permanent correction of the following diseases, for which it is especially prepared and prescribed. All Arthritic disorders known as Gout, Sciatic and Articular Rheumatism and the peculiar bone-breaking pains that result from lead or mercurial poisoning; ulcers and Scrofulous sores; Purulent wounds that will not heal; Constitutional Catarrh and all aggravated diseases of the glands, and the various obstinate skin affections such as Acne, Psoriasis and Eczema that result from bad blood. 'Suffered untold agony for 15 years my life was a burden instead of a pleasure. I was a nervous wreck, every month I had to go to bed, my back and head would almost kill me. * * * I had just about given up hope of every getting well, when I heard of Hyssop Compound Special Treatment for female weakness. I used Hyssop Compound 3 weeks and I can truthfully say that I got relief from the first dose. I feel like a new woman today' * * * 'Hyssop Compound is the only Medicine that could reach my case. In 1922 I had Kidney and Stomach Troubles. The doctors said there was no help for me. All the doctors said I had diabetes and they could do nothing for me. I used Hyssop Compound only three weeks. My stomach troubles disappeared. I was not able to get out of bed when I began taking Hyssop Compound. I used the treatment six months and I have never had no more Kidney troubles of any kind since' * * * 'In February 1919, I had a severe attack of bladder trouble. I suffered excruciating pain. I had only taken a few doses of Hyssop Compound when I was relieved and was entirely cured on one small bottle. I also had weak eyes and each time my glasses were changed they had to be much stronger. After I had taken my tonic awhile my eyes began to bother me so I had them tested. The oculist was amazed at the improvement and wanted to know what I had been doing for

them. I am wearing just the opposite to what I was wearing and only half the strength. I cannot find words to express my gratitude for all Hyssop Compound has done for me and can do for others' * * * 'This is to certify that I have tried all the best doctors of Kansas City and used every remedy I could hear of; went to Hot Springs; suffered five years from syphilitic sciatic rheumatism and gout. I was a nervous wreck. I heard of Hyssop Compound and tried one bottle, which relieved me instantly, after taking the third bottle I feel as well as I ever did in my life.'

On December 5, 1933, the appearance and answer of the Hyssop Medicine Co., the sole intervener, having been withdrawn, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21786. Misbranding of Red Heart Blood Tabs. U. S. v. 8 Packages of Red Heart Blood Tabs. Default decree of condemnation and destruction. (F. & D. no. 31053. Sample no. 46211-A.)

Examination of the drug preparation, Red Heart Blood Tabs, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On September 6, 1933, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight packages of Red Heart Blood Tabs at Alexandria, La., alleging that the article had been shipped in interstate commerce on or about March 19, 1932, by the Reese Chemical Co., from Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of iron carbonate, zinc phosphide, calcium carbonate, and extracts of plant drugs, including nux vomica and a laxative drug.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "Red Heart Blood Tabs Blood Nerve and System Tonic * * * Red Heart Blood Tabs * * * Use Red Heart Blood Tabs When you need a tonic or feel a lack of Ambition * * * Red Heart Blood Tabs for Blood and Nerve Troubles"; (blown on bottle) "Blood Tabs Blood and System Tonic"; (circular) "Blood Tabs A Powerful Nerve and Blood Tonic Vim * * * Ambition Zip Strength Punch Fight Energy Youth Pep * * * System Tonic for Men and Women. Aids in stimulating self confidence. Makes you feel healthier and stronger. If you are run down and nervous Blood-Tabs will tone your system and aid in bringing back your health and strength."

On January 22, 1934, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21787. Adulteration and misbranding of Giles' Germicide. U. S. v. Giles Remedy Co. and Sanford F. Giles. Plea of guilty. Fine, \$200. (F. & D. no. 28060. I.S. no. 44215.)

Examination of the drug preparation, Giles Germicide, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It was also claimed that the article was an antiseptic and germicide and that it was a condensed form of oxygen absorbed in a nutritive oil and could be used with perfect safety, whereas it was not an antiseptic or germicide, it was not a condensed form of oxygen absorbed in nutritive oil, and it contained ingredients that might be harmful.

On December 13, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Giles Remedy Co., a corporation, and Sanford F. Giles, of Chicago, Ill., alleging shipment by said defendants on or about May 26, 1931, from the State of Illinois into the State of Wisconsin, of a quantity of Giles' Germicide that was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of linseed oil, camphor, and ether. Bacteriological tests showed that the article was neither an antiseptic nor a germicide.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to be a germicide and an antiseptic, and a condensed form of oxygen absorbed in a nutritive oil, whereas it was not a germicide or an antiseptic, and was not a condensed form of oxygen absorbed in a nutritive oil.

Misbranding was alleged for the reason that the statements, "Germicide * * * Guaranteed by Giles Remedy Co. to contain no poisonous drugs or deleterious matter. * * * Absolutely harmless * * * Giles' Germicide is a condensed form of oxygen absorbed in a nutritive oil with which has been combined, germicide, antiseptic * * * agents. Although it acts upon disease germs, it is perfectly harmless to the system and can be taken with perfect safety for any length of time, by either adults or infants", borne on the carton; the statements, "A germicide is, ordinarily, anything that kills germs. Giles' Germicide does that and more. * * * This remedy contains no harmful or dangerous ingredients and may be used for infant or adult with perfect safety without medical supervision", contained in a circular shipped with the article; and the statements; "Germicide * * * Guaranteed by Giles Remedy Co. to contain no poisonous drugs or deleterious matter. A magical germicide, antiseptic", borne on the bottle label, were false and misleading, since the article was not a germicide; it was not an antiseptic; it contained poisonous drugs or deleterious matter; it was not absolutely harmless; it was not a condensed form of oxygen absorbed in a nutritive oil with which had been combined germicide and antiseptic agents; it did not act upon disease germs; it was not perfectly harmless to the system and could not be taken with perfect safety for any length of time by either adults or infants; it would not kill germs; and it did contain harmful and dangerous ingredients and could not be used for infant or adult with perfect safety and without medical supervision.

Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, borne on the carton and bottle labels and in the circular, falsely and fraudulently represented that the article was effective to act upon disease germs; effective as a magical germicide and antiseptic; effective to kill germs; effective as a treatment for ailments caused by disease producing germs within and without the body; effective to neutralize and expel from the blood the toxins of germs and other poisons or impurities, to allay internal or external congestion or inflammation, and to relieve acute germ diseases; effective to overcome germ poison, to remove germs from the system, and to relieve the cause of rheumatism, asthma, catarrh, throat troubles, blood and skin diseases and affections, disease of the stomach and bowels and ailments of an inflammatory nature, either internal or external; effective as a modern marvel in the treatment of disease; effective to combat and remove the known cause of nearly all diseases; effective to combat toxins and to protect health and relieve disease; effective to combat germs, to overcome congestion or inflammation, and to relieve nine-tenths of all diseases; effective as a treatment for infections or contagious diseases and for most and probably all the various inflammatory diseases and for most of the diseases of the stomach and bowels and for all affections of the air passages and lungs; effective as a treatment for dyspepsia, indigestion, gastric catarrh, colic, cholera morbus, dysentery, flux, diarrhea, dullness, depression, and loss of energy; effective as a treatment for all stomach and bowel troubles; effective to expel poisons in the bowels and blood; effective as a treatment for diseases of the head, throat and lungs; effective as a treatment for consumption, asthma, pneumonia, la grippe, and diphtheria; effective to assist nature to expel any poisons that may have been absorbed into the system; effective as a treatment of blood and skin diseases, rheumatism, gout, blood poison, carbuncles, boils, sores, and various skin affections; effective to stop the stream of pollution at its source and to thoroughly cleanse the body of bacteria and their products; effective as a treatment for kidney and bladder diseases, prostatic and other sexual diseases, diseases of women, and general debility; effective to preserve the teeth and hair; effective to expel toxins and waste products by way of the skin, kidneys, and bowels; effective to immediately relieve all forms of congestion and inflammation, internal and external; effective when used externally as an antiseptic; effective as an internal remedy for all diseases, acute or chronic; effective to reach the source of the disease at once; effective as a relief for piles; effective as a cure for inflammatory rheumatism, dyspepsia, neuralgia of

the stomach, weakness of the back, stomach trouble, sore eyes, catarrh of the stomach, kidney trouble, eczema, la grippe, and severe cold of long standing; effective as a tonic and blood purifier; effective as a remedy for indigestion and stomach disorders of any kind; effective to neutralize and expel the gaseous poisons generated in the stomach; effective as a relief for coughs; effective as a treatment and remedy for pleurisy, pneumonia, sore throat, and diphtheria; effective as a remedy for ordinary sore throat, nasal catarrh, croup, measles, scarlet fever, chicken pox, small pox, chills, fever, and ague, malaria, appendicitis, stoppage of the bowels and constipation, neuralgia, pains, cramps, spasms of the muscles, diarrhea, dysentery, earache, toothache, lameness or soreness, inflamed eyes or eyelids, chronic diseases, catarrh of the head, asthma, diseases of the throat and lungs, consumption, dyspepsia, indigestion, catarrh of the stomach, rheumatism, gout, lumbago, paralysis, kidney, bladder and prostatic diseases, blood and skin diseases, scrofula, erysipelas, eczema, syphilitic affections and all other sores or skin eruptions, carbuncles, felons, boils and itching, blind, bleeding, internal or protruding piles, female troubles, ulcerations, inflammations, whites, menstrual disorders and leucorrhea, and blood poison; effective as a cure for indigestion; effective as a cure for stings of poisonous fish; effective as a treatment for prostrate gland troubles; effective as a relief for abscess in the ear; effective as a cure for protruding piles; effective as a relief for paralysis; effective as a cure for intermittent fever and urinary poison and as a remedy for croup and measles; and effective as a relief and cure for rheumatism and as a cure for ulcerated tonsils.

On December 19, 1933, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

21788. Adulteration and misbranding of camphor spirits and misbranding of aromatic spirits of ammonia. U. S. v. 108 Bottles of Aromatic Spirits of Ammonia and 114 Bottles of Camphor Spirits. Default decrees of condemnation, forfeiture, and destruction, (F. & D. nos. 31670, 31671. Sample nos. 59020-A, 59021-A.)

These cases involved interstate shipments of camphor spirits and aromatic spirits of ammonia, the labels of which bore unwarranted curative and therapeutic claims. The camphor spirits contained less camphor than prescribed by the United States Pharmacopoeia and was not labeled to show its own standard.

On December 4, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 108 bottles of aromatic spirits of ammonia and 114 bottles of camphor spirits at Wilkes-Barre, Pa., alleging that the articles had been shipped in interstate commerce on or about February 15, 1933, and September 20, 1933, respectively, by John LeCroy & Son, from Camden, N.J., and charging that both products were misbranded in violation of the Food and Drugs Act as amended and that the camphor spirits were also adulterated.

Analyses of samples of the articles by this Department showed that the aromatic spirits of ammonia conformed reasonably well to the specifications of the United States Pharmacopoeia; and that the camphor spirits contained 8.33 grams of camphor per 100 cubic centimeters.

In the libel filed against the camphor spirits it was alleged that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and its strength differed from the standard prescribed by that authority, since the pharmacopoeia requires that spirits of camphor contain not less than 9.5 grams of camphor per 100 cubic centimeters, whereas the article contained 8.33 grams of camphor per 100 cubic centimeters, and its own standard of strength was not stated on the label.

Misbranding was alleged with respect to both products for the reason that the following statements regarding their curative or therapeutic effects were false and fraudulent: (Aromatic spirits of ammonia, carton) "Useful in * * * Hysteria and Nervous Debility"; (camphor spirits, bottle and carton) "For Swellings and Rheumatism. For Cramps and Colic."

On December 28, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21780. Misbranding of Ormovin Wine of Cod Liver Extract with Malt, Wild Cherry and Hypophosphites. U. S. v. 134 Bottles of Ormovin Wine of Cod Liver Extract with Malt, Wild Cherry and Hypophosphites. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31612. Sample no. 51505-A.)

Examination of the drug preparation involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was labeled to convey the impression that it contained an appreciable amount of malt, and no other important ingredients than declared, whereas it contained nux vomica, not mentioned in the name and declaration of ingredients, and but a negligible amount, if any, of the starch-digesting properties of malt extract.

On November 21, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 134 bottles of Ormovin Wine of Cod Liver Extract with Malt, Wild Cherry and Hypophosphites at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about October 2, 1933, by the Ormont Drug & Chemical Co., Inc., from Long Island City, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of material derived from plant drugs, including malt, wild cherry, and nux vomica, sodium hypophosphite (0.6 percent) manganese hypophosphite (0.09 percent), iron hypophosphite (0.06 percent), alcohol, sugar, and water, and that it possessed but negligible, if any, starch-digesting properties.

It was alleged in the libel that the article was misbranded in that the name of the article, "Wine of Cod Liver Extract with Malt, Wild Cherry and Hypophosphites", and the statement upon the carton, "Ormovin presents, * * * the active principle of prime Cod Livers, together with the Hypophosphites of Sodium, Iron and Manganese, Malt Extract and Wild Cherry", were false and misleading, since the article contained material derived from nux vomica, not mentioned in connection with the name or declaration of composition, and it possessed but a negligible amount, if any, of the starch-digesting properties of malt extract. Misbranding was alleged for the further reason that the following statements appearing on the bottle and carton labels were false and fraudulent: (Bottle and carton) "Especially beneficial in cases of coughs * * * Bronchial and Lung Affections"; (carton) "Strength builder for anyone suffering from a run down condition or from general debility."

On December 22, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21790. Adulteration and misbranding of Epsom salt tablets and misbranding of aspirin tablets. U. S. v. Charles M. Hick (Charles M. Hick & Co.). Plea of guilty. Fine, \$150. (F. & D. no. 28058. I.S. nos. 30444, 31259, 31260, 38151.)

This case was based on an interstate shipment of Epsom salt tablets and of three shipments of aspirin tablets. Analyses of the Epsom salt tablets showed that they contained but a negligible amount of Epsom salt, the laxative effect of the article being derived from aloë. Examination of the aspirin tablets disclosed that the labels bore unwarranted curative and therapeutic claims.

On December 13, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles M. Hick, trading as Charles M. Hick & Co., Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 11, 1931, from the State of Illinois into the State of New York, of a quantity of Hick's Epsom salt tablets that were adulterated and misbranded; and on or about June 3 and June 11, 1931, from the State of Illinois, in part into the State of New York and in part into the State of California, of quantities of aspirin tablets that were misbranded.

Analyses of samples of the articles by this Department showed that the Epsom salt tablets consisted essentially of Epsom salt (4 grains per tablet) and aloë; and that the aspirin tablets contained approximately 5 grains and 4.8 grains of acetylsalicylic acid, respectively.

It was alleged in the information that the Epsom salt tablets were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that two tablets of the article were represented to be equivalent to one tablespoonful of pure Epsom salt, whereas two tablets of the article were not equivalent to one tablespoonful of pure Epsom salt, since they contained little, if any, Epsom salt.

Misbranding of the Epsom salt tablets was alleged for the reason that the statement, "Epsom Salts Compound Tablets Two tablets equivalent to one tablespoonful of pure Epsom Salts", borne on the boxes containing the article, and the statement, "Epsom Salts Tablets (Compound) Two Tablets equal one tablespoonful Salts, and have all the efficiency of powdered salts," borne on a display card accompanying the article, were false and misleading, since the article was not composed essentially of pure Epsom salt, two tablets were not equal to and equivalent to one tablespoonful of Epsom salt, and the article did not have all the efficiency of Epsom salt, since it was composed in part of aloe and contained little, if any, Epsom salts. Misbranding of the Epsom salt tablets was alleged for the further reason that the article was composed in part of aloe and contained little, if any, Epsom salt; that it was prepared in imitation of another article, Epsom salt tablets (compound) and Epsom salt compound tablets, and that it was offered for sale and sold under the name of another article.

Misbranding of the aspirin tablets was alleged for the reason that certain statements, designs, and devices appearing on display cards shipped with the article, and in a circular shipped with a portion, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for toothache, earache, rheumatism, lumbago, neuralgia, and sciatica.

On December 11, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$150.

M. L. WILSON, *Acting Secretary of Agriculture.*

21791. Misbranding of Aspirsal. U. S. v. Charles M. Hick (Charles M. Hick & Co.). Plea of guilty. Fine, \$25. (F. & D. no. 27531. I.S. no. 37819.)

Examination of the drug preparation, Aspirsal, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the display card shipped with the article.

On May 6, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles M. Hick, trading as Charles M. Hick & Co., Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 15, 1931, from the State of Illinois into the State of Pennsylvania, of a quantity of Aspirsal that was misbranded. The article was labeled in part: "Hick's Pure Aspirsal Compounded * * * Chas. M. Hick & Co."

Analysis of a sample of the article by this Department showed that it consisted essentially of tablets containing acetylsalicylic acid (4.5 grains per tablet) and phenolphthalein.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices, regarding the therapeutic and curative effects of the article, appearing on the display card, falsely and fraudulently represented that it was effective as a treatment for toothache, earache, rheumatism, lumbago, and sciatica.

On December 11, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21792. Adulteration and misbranding of O.K. Magnesium Mineral Water. U. S. v. William E. Schmidt (O.K. Mineral Water Co.). Plea of guilty. Sentence deferred and defendant placed on probation for a period of 2 years. (F. & D. no. 30235. Sample no. 3347-A.)

This case was based on an interstate shipment of mineral water which was found to be polluted and which was not labeled with a statement of the quantity of the contents. The article was represented to be a magnesium mineral water, whereas only about one-third of the salts present therein were magnesium salts. The labeling also bore unwarranted curative and therapeutic claims.

On October 26, 1933, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William E. Schmidt, trading as the O. K. Mineral Water Co., Enfield, Ill., alleging shipment by said defendant on or about March 3, 1932, from the State of Illinois into the State of Michigan, of a quantity of O. K. Magnesium Mineral Water that was adulterated and misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium sulphate and magnesium sulphate, smaller proportions of sodium chloride, calcium sulphate, and calcium carbonate, and traces of silica and sodium nitrate. Bacteriological tests showed that the water was polluted.

It was alleged in the information that the article was adulterated under the provisions of the law relating to food in that it consisted in whole or in part of a filthy or decomposed animal or vegetable substance.

It was further alleged that the article was misbranded under the provisions of the act relating to food in that it contained not more than one-third of salts of magnesium and was offered for sale and sold under the distinctive name of another article, to wit, magnesium mineral water, for the further reason that the statement, "O. K. Magnesium Mineral Water", borne on the label was false and misleading; and for the reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article consisted wholly of magnesium mineral water, whereas it did not so consist but did consist of a product which was not more than one-third salts of magnesium. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding under the provisions of the act relating to drugs was alleged for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the bottle labels, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for kidney and liver trouble, rheumatism, lumbago, malaria, gastritis, nervousness, and all forms of stomach trouble and effective to increase secretions.

On December 19, 1933, the defendant entered a plea of guilty to the information. Imposition of sentence was deferred, and the defendant was placed on probation for a period of 2 years.

M. L. WILSON, *Acting Secretary of Agriculture.*

21793. Misbranding of Candy Cathartic Cascarets. U. S. v. 209 Dozen Boxes and 104 Dozen Boxes of Candy Cathartic Cascarets. Default decree of forfeiture. Product delivered to Federal agency. (F. & D. no. 31266. Sample nos. 58005-A, 58006-A.)

This case involved an interstate shipment of a product labeled to convey the impression that its active therapeutic agent was cascara sagrada. Examination of the article showed that it contained phenolphthalein, a synthetic cathartic drug. The labeling of the article also bore unwarranted curative and therapeutic claims.

On October 23, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 313 dozen boxes of Candy Cathartic Cascarets at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 29, 1933, by the Sterling Products, Inc., from Wheeling W. Va., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of lozenges composed essentially of phenolphthalein (0.62 grain each), extracts of plant drugs, including cascara sagrada and licorice, flavoring oils, including methyl salicylate and sassafras oil, and sugar.

It was alleged in the libel that the article was misbranded in that the following statements and design appearing in the labeling, (circular showing cut of monk removing bark from a tree, accompanied by legend "'Cascara Sagrada'—Sacred Bark") "Cascarets contain cascara, which is nature's own laxative. Cascara comes from the bark of a tree in the far West. Its name is cascara sagrada (sacred bark) grown in the great outdoors. Combined and refined with other valuable ingredients. Real licorice and pure cane sugar are added and it is pressed into these candy-like tablets * * * Cascara will not lead to any

harmful habit. Physicians declare cascara an ideal laxative * * * So you need never hesitate to take Cascarets or to give them to children", (wholesale carton, retail metal container, and circular) "Candy Cathartic Cascarets", were false and misleading, since they conveyed the impression that the article was composed of an extract of cascara sagrada, licorice, and cane sugar; that its active therapeutic agent was cascara sagrada extract; that it was essentially a preparation of cascara sagrada and was essentially a candy; whereas it contained phenolphthalein, a cathartic drug synthetically prepared from phenol (carbolic acid) and phthalic anhydride; its physiologically active constituents were not derived solely from cascara sagrada; and the article was not candy. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Circular) "Constipation of stubborn kind may be treated by a Cascaret morning and night until bowels are thoroughly flushed and have regained their normal, regular action. * * * in extreme cases"; (tin container) "For habitual constipation take one tablet at night and one in the morning; continue until relieved."

On December 21, 1933, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be delivered to the Food and Drug Administration of this Department for use in analytical research.

M. L. WILSON, *Acting Secretary of Agriculture.*

21794. Misbranding of McMahon's Solution of Calcium Creosote. U. S. v. 110 Bottles of McMahon's Solution of Calcium Creosote. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31061. Sample nos. 17980-A, 17981-A.)

Examination of the drug preparation, McMahon's Solution of Calcium Creosote, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels. Analysis also showed that the article contained less creosote than was declared on the label.

On September 8, 1933, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel, and subsequently an amended libel praying seizure and condemnation of 110 bottles of McMahon's Solution of Calcium Creosote at Beaumont, Tex., alleging that the article had been shipped in interstate commerce in part on or about December 24, 1931, and in part on or about February 10, 1933, by the McMahon's Manufacturing Co., from De Ridder, La., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a calcium and creosote compound (3 percent), water (97 percent) and creosote (per one-half fluidounce 5 minims).

It was alleged in the libel that the article was misbranded in that the statement on the bottle label, "Each half fluid ounce represents ten to twelve minims of * * * Creosote USP.", was false and misleading. Misbranding was alleged for the further reason that the following statements, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Carton and bottle) "For coughs * * * sore throat and bronchitis. Directions for an adult one tablespoonful; twelve years old two teaspoonfuls; seven years old one teaspoonful; under one year twenty drops to be given every two to four hours as indicated by severity of the case."

On November 3, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21795. Adulteration and misbranding of Nestor Emulsion of Pure Cod Liver Oil. U. S. v. Nestor Drug & Chemical Co. and Julius Loeser. Plea of guilty. Fine, \$250. (F. & D. no. 30217. Sample no. 13902-A.)

Examination of the drug preparation, Nestor Emulsion of Pure Cod Liver Oil, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was also found to contain less cod-liver oil than was claimed on the carton. The declarations of alcohol on the bottle and carton were incorrect and inconsistent.

On November 2, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in

the district court an information against the Nestor Drug & Chemical Co., a corporation, and Julius Loesser, president of the said corporation, of Chicago, Ill., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 4, 1932, from the State of Illinois into the State of Kentucky, of a quantity of Nestor Emulsion of Pure Cod Liver Oil that was adulterated and misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of an emulsion containing chiefly cod-liver oil (42.7 percent), small amounts of calcium hypophosphite, sodium hypophosphite, phosphoric acid, egg yolk, alcohol (3.76 percent), and water, flavored with methyl salicylate.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to contain 50 percent of cod-liver oil, and on the bottle label it was represented to contain 6 percent of alcohol and, on the carton, to contain 12½ percent of alcohol, whereas it contained not more than 42.7 percent of cod-liver oil and not more than 3.76 percent of alcohol.

Misbranding was alleged for the reason that the statement, "12½% Alcohol", borne on the carton, and the statements, "Cod Liver Oil 50%" and "6% Alcohol", borne on the bottle label, were false and misleading. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the bottle label, falsely and fraudulently represented that the article was effective as a reliable preparation for many forms of pulmonary diseases and other lung troubles, and effective as a remedy for coughs and general debility.

On December 15, 1933, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$250.

M. L. WILSON, *Acting Secretary of Agriculture.*

21796. Adulteration and misbranding of tincture of belladonna leaves. U. S. v. Bernard Ulman (National Pharmaceutical Manufacturing Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. no. 30150. Sample no. 3351-A.)

This case was based on an interstate shipment of tincture of belladonna leaves which was represented to be of pharmacopoeial standard but which was found to yield the alkaloids of belladonna leaves in excess of 0.033 gram per 100 cubic centimeters, the maximum prescribed in the United States Pharmacopoeia for tincture of belladonna leaves.

On September 20, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bernard Ulman, trading as the National Pharmaceutical Manufacturing Co., Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 17 and February 27, 1932, from the State of Maryland into the State of Michigan, of quantities of tincture of belladonna leaves that was adulterated and misbranded.

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation, since it yielded more than 0.033 gram of the alkaloids of belladonna leaves per 100 cubic centimeters, namely, not less than 0.0428 of the alkaloids of belladonna leaves per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to be tincture of belladonna leaves which conformed to the standard laid down in the United States Pharmacopoeia, whereas it was not.

Misbranding was alleged for the reason that the statement, "Tincture of Belladonna Leaves * * * U.S.P. * * * Standard 0.027 GM to 0.033 GM Total alkaloids per 100 mils.", borne on the label, was false and misleading, since the article was not tincture of belladonna leaves which conformed to the standard laid down in the pharmacopoeia, and it contained more than 0.033 gram of total alkaloids.

On December 27, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21797. Adulteration and misbranding of Riggs'-O-Dean Mouth Wash. U. S. v. Riggs'-O-Dean Products, Inc., and Isaac Platt. Plea of guilty. Fine, \$25. (F. & D. no. 29409. I.S. no. 53352.)

Examination of the drug preparation, Riggs'-O-Dean Mouth Wash, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Tests of the article also showed that it was not an antiseptic mouth wash, as claimed in the labeling.

On May 9, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Riggs'-O-Dean Products, Inc., a corporation, and Isaac Platt, president and owner of the said corporation, Chicago, Ill., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about February 1, 1932, from the State of Illinois into the State of Ohio, of a quantity of Riggs'-O-Dean Mouth Wash that was adulterated and misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of potassium iodide, tannic acid, volatile oils, including peppermint oil and cassia oil, a trace of aconitine, alcohol (2.7 percent by volume), and water, colored with a yellow dye.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be an antiseptic when used as directed, whereas it was not an antiseptic when used as directed.

Misbranding was alleged for the reason that the statements, "An effective antiseptic * * * allowing the antiseptic action its full effect * * *", borne on the bottle label, the statements, "Effective Antiseptic * * * indicated as a * * * mouth wash, antiseptic", borne on the cartons, and the statements, "Antiseptic * * * is unequalled for its sterilizing antiseptic * * * qualities * * * It is unequalled as an antiseptic", appearing in a circular shipped with the article were false and misleading, since the article was not an effective antiseptic when used as directed; it was not a mouth wash antiseptic when used as directed; and it was not an antiseptic unequalled for its sterilizing, antiseptic qualities when used as directed. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the bottle labels and in the circular, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for sore throat; effective to stimulate and promote healthy normal gums and to retain sound, clean teeth; effective to neutralize acidized conditions; and effective as a relief for inflammatory conditions of the throat; effective as a treatment for trench mouth and to assist in removing mucin plaque or gray ulcers over the gums; effective as a treatment, remedy, and cure for pyorrhea, gingivitis, and receding gums; and effective as a preventive of spongy gums.

On December 15, 1933, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21798. Misbranding of Rabbit Supto. U. S. v. 40 Quart Cans of Rabbit Supto. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31144. Sample no. 36618-A.)

Examination of the drug product, Rabbit Supto, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On or about September 26, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel, and on October 10, 1933, an amended libel, praying seizure and condemnation of 40 quart cans of Rabbit Supto at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 15, 1933, by the Supto Manufacturing Co., from Des Moines, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of coal tar light oil, high boiling mineral oil, and small proportions of formaldehyde and eucalyptus oil.

It was alleged in the libel that the article was misbranded in that the statement on the label, regarding the curative and therapeutic effects of the article, "The fumes from evaporation after use in the hutch will satisfactorily combat colds and snuffles", were false and fraudulent.

On November 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21799. Misbranding of Nomoppin. U. S. v. Fourteen 3-Ounce Bottles and Thirty-seven 1-Ounce Bottles of Nomoppin. Default decree of destruction. (F. & D. no. 31191. Sample no. 39365-A.)

Examination of the drug preparation, Nomoppin, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On September 14, 1933, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of fourteen 3-ounce bottles and thirty-seven 1-ounce bottles of Nomoppin at Savannah, Ga., alleging that the article had been shipped in interstate commerce on or about September 4, 1933, by the MacMillan Drug Co., from Columbia, S.C., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of arsenic trioxide (2 grams per 100 milliliters), a small proportion of potassium carbonate, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle, both sizes) "The internal remedy for chicken sorehead, also preventive * * * 20 drops to each quart of their drinking water, till all signs have disappeared. If improvement be too slow—after 48 hours—increase dose to 30 or 40 or even 50 drops to each quart till improving"; (bottle, three-ounce size) "As preventive"; (white circular accompanying 3-ounce size) "Cures—Prevents Chicken Sorehead * * * Aids Egg production by its tonic effect * * * Consider grain, etc., costs and time lost to restore normal flesh and vigor to flock have sorehead—loss in Eggs and Broilers."

On November 8, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21800. Misbranding of Mixer's Cancer and Scrofula Syrup. U. S. v. 32 Cartons and 5 Cartons of Mixer's Cancer and Scrofula Syrup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30999, 31000. Sample nos. 36425-A, 45685-A.)

Examination of the drug preparation, Mixer's Cancer and Scrofula Syrup, disclosed that it contained no ingredients or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On or about August 28, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 37 cartons of Mixer's Cancer and Scrofula Syrup in part at Toledo, Ohio, and in part at Wauseon, Ohio, alleging that the article had been shipped in interstate commerce on or about July 24 and August 2, 1933, by the Mixer Medicine Co., from Hastings, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of potassium iodide, (2.9 grams per 100 milliliters), extracts of plant drugs, including a laxative drug, sugar, alcohol and water, flavored with methylsalicylate.

It was alleged in the libels that the article was misbranded in that the retail and shipping cartons, the bottle label, and a booklet shipped with the article contained false and fraudulent statements concerning the curative and therapeutic effects of the article in the treatment of cancer, including cancer of the lip, nose, face, eye, forehead, cheek, chin, eyebrow, ear, neck, tongue, shoulder, breast, womb, and knee, scrofulous affections, erysipelas, St. Anthony's fire, tinea capitis, scaldhead, milk crust, salt rheum, ringworm, tetter, tumors, ulcers, boils, pustules, blotches, pimples, catarrh, laryngitis, bronchitis, dyspepsia, piles, fistula, diseases peculiar to the glandular and assimilative systems, scrofula and kindred diseases, abscesses, all blood diseases, sores, fever sores, goiter, eruptions, malignant conditions of growths, rheumatism, eczema, cancerous tumor, chronic ulcer, running sore, ulcers in the throat, asthma, catarrh

of stomach, large glands, tuberculosis of the bones, sore eyes, blindness, carbuncles, ovarian tumor, consumption, cramping of limb, milk leg, varicose veins, lameness of the back, and swelled neck.

On November 28, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21801. Adulteration and Misbranding of Pyroligneous Compound No. 1 and misbranding of Pyroligneous Compound No. 2, and Healing Ointment. U. S. v. Lester Tilton (Tilton Laboratories). Tried to the court and a jury. Verdict of guilty. Fine, \$1,000. (F. & D. no. 27517. I.S. nos. 25192, 25193, 25194, 35010.)

Examination of the drug products involved in this case disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings. Tests of the Pyroligneous Compound No. 1 showed that the article did not possess the germicidal and disinfectant properties claimed.

On May 2, 1932, the United States attorney for the Southern District of Iowa acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lester Tilton, trading as the Tilton Laboratories, Clinton, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about June 23 and November 10, 1930, from the State of Iowa into the State of Illinois, of a quantity of Pyroligneous Compound No. 1, which was adulterated and misbranded, and of quantities of Pyroligneous Compound No. 2 and Healing Ointment, which were misbranded; and on or about July 6, 1931, from the State of Iowa into the State of Illinois, of a quantity of Healing Ointment which was misbranded.

Analyses of samples of the articles by this department showed that the Pyroligneous Compound No. 1 consisted essentially of small proportions of ammonium carbonate, ammonium hydroxide, and pyridine and water (approximately 98 percent); that the Pyroligneous Compound No. 2 consisted essentially of small proportions of ammonium hydroxide and pyridine, a trace of a phenolic substance and water (approximately 98 percent); and that the Healing Ointment consisted essentially of small proportions of volatile oils including camphor, peppermint oil, and turpentine oil, incorporated in petrolatum.

It was alleged in the information that the Pyroligneous Compound No. 1 was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be a germicide and a disinfectant, whereas it was not a germicide and it was not a disinfectant.

Misbranding of the Pyroligneous Compound No. 1 was alleged for the reason that certain statements, designs and devices regarding the curative and therapeutic effects of the article appearing on the bottle label, falsely and fraudulently represented that it was effective as a haemostat, and effective as a remedy, treatment and cure for ulcers of stomach or food tract, sore mouth, pyorrhea, sore tonsils and sore throat; and effective as a treatment, remedy and cure for piles and female trouble. Misbranding of the Pyroligneous Compound No. 2 was alleged for the reason that certain statements, designs and devices regarding the curative and therapeutic effects of the article falsely and fraudulently represented that it was effective as a treatment, remedy and cure for goitre, swollen glands and varicose veins. Misbranding of the Healing Ointment was alleged for the reason that certain statements, designs and devices regarding the therapeutic and curative effects of the article, appearing on the carton label and in a label contained in the carton, falsely and fraudulently represented that the article was effective as a healing ointment; and effective as a treatment, remedy and cure for boils, carbuncles, abscesses, infections, sore throat, tonsillitis, sore lungs, pus conditions of pleura, appendicitis and varicose ulcer; and effective as a treatment for swollen or inflamed parts.

On November 1, 1933, the case came on for trial before the court and a jury. The trial was concluded on November 3, the court submitting the case to the jury with the following instructions (Dewey, D. J.):

"Gentlemen of the jury: Instruction No. 1. On May 2, 1932, the United States attorney filed an information against Lester Tilton, trading as Tilton Laboratories, charging him with six separate and distinct offenses, set out in the information as counts 1 to 6, inclusive. The information will be given you and you can take it to your jury room.

"To this information and to each and all of the charges and counts contained therein the defendant has entered a plea of not guilty and this plea denies and puts in issue all the material allegations of each of the counts of the information, and before you will be warranted in returning a verdict of guilty on any count as against the defendant the Government must establish the truthfulness of the material allegations of such count by the evidence and beyond a reasonable doubt.

"Instruction No. 2. Notwithstanding the filing of the information by the United States attorney and its approval by the judge of this court, the defendant is presumed to be innocent and this presumption remains with him throughout the trial and until overcome by evidence.

"The defendant in a criminal case is not required to prove his innocence but the Government before it will be warranted in asking a verdict of guilty must prove the truth of the material allegations of its charges by the evidence and beyond a reasonable doubt.

"Instruction No. 3. The term 'reasonable doubt' as used in these instructions means what the words imply: A doubt founded in reason; it means a doubt which, without being sought after, fairly and naturally arises in the mind after a fair and candid consideration of the evidence or lack of the evidence in the case. It does not mean a strained, captious or unnatural or unreasonable doubt, nor one raised by some forced or artificial meaning given to the evidence nor one raised for the purpose of acquittal of the defendant of whose guilt there is no reasonable doubt. However, we are not here to determine the question of whether or not there is reasonable doubt in this case, but we are here for the determination of the question whether or not the defendant is guilty under the law and the facts introduced in evidence in this case.

"Instruction No. 4. You are instructed that under the decisions of the United States Supreme Court this court is satisfied that count 2 of the information does not charge an offense under the acts of Congress, and count 2 is therefore withdrawn from your consideration.

"Instruction No. 5. The sections of the Food and Drugs Act as passed by the Congress of the United States, in so far as they are material to the charges contained in the information in this case, are as follows:

Section 2—The introduction into any State * * * of any article of * * * drugs which is adulterated or misbranded, within the meaning (of this act) * * * is prohibited; and any person who shall ship * * * from any State * * * to any other State * * * any such adulterated or misbranded * * * drugs, * * * shall be guilty of a misdemeanor * * *

Section 6—That the term 'drug' as used in (this act) * * * shall include all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. * * *

Section 8—The term 'misbranded', as used in (this act) * * * shall apply to all drugs, * * * the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, * * *

An article shall be deemed to be misbranded;

In case of drugs: * * *

If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent.

Section 7—For the purposes of (this act) an article shall be deemed to be adulterated;

In case of drugs: * * *

If its strength or purity fall below the professed standard or quality under which it is sold. * * *

"Instruction No. 6. The material allegations of count 1 of the information have to do with and are drawn under the law before quoted with reference to adulteration of drugs, and are as follows:

"First, that the defendant Lester Tilton on or about the 23d day of June and on or about the 10th day of November, 1930, shipped by means of a motor truck from the city of Clinton, Iowa, to Chicago, Ill., and consigned to the Felician Sisters Convent a certain consignment of bottles containing an article designed and intended to be used as a drug, and said bottles were labeled as set forth in the succeeding instruction with reference to count 3 of the information.

"Second, that said labels represented that the strength and purity of the contents of the bottles were such that it would be effective as a germicide and disinfectant.

"Third, that the strength and quality of the contents of said bottles in truth and in fact was not a germicide nor a disinfectant.

"If you find that the Government has established each and all of the three foregoing material allegations by the evidence and beyond a reasonable doubt, then you would be warranted in returning a verdict of guilty as to count one; but if you do not find that the Government has so established, then you will find the defendant not guilty as to count 1 of the information.

"Instruction No. 7. You will notice that count 1 of the information comes under the provision of the law with reference to adulteration and is different in its material allegations than the charges contained in counts 3, 4, 5, and 6 of the information hereinafter submitted to you, which have to do with misbranding.

"Before the Government will be warranted in asking for the return of a verdict of guilty on count one of the information, it will be necessary for it to prove that it was represented on the labels, if you find that the product was labeled as represented, that the contents thereof were a germicide and a disinfectant, and that in truth and in fact the contents thereof were not effective in any degree as a germicide or a disinfectant.

"Instruction No. 8. The material allegations of count 3 of the information are:

"First, that the defendant Lester Tilton on or about the 23d day of June and on or about the 10th day of November, 1930, shipped by means of a motor truck from the city of Clinton, Iowa, to the city of Chicago, Ill., and consigned to the Felician Sisters Convent in said city certain bottles bearing on a label thereon statements regarding the therapeutic and curative effects of the contents thereof.

"Second, that said bottles were labeled as follows: 'No. 1 Pyroligneous Compound (Patented May 27, 1924) U.S. Analysis—Aminonia Creosotes, Pyridens, Alcohol-ethyl, a trace, and inorganic compounds. Its Uses—As a Germicide, Disinfectant and Haemostat. To cleanse an open tissue use a saturated pledget of cotton, cleanse around open tissue and dab lightly over open tissue. For ulcers of stomach or food tract mix 1 to 1 with water. Dose— $\frac{1}{2}$ teaspoon of mixture every four hours. For Sore Mouth, Pyorrhea, Tonsils and Sore Throat use as above and swallow slowly. For Piles or Female Trouble mix 1 part to 3 of water, using 1 ounce by syringe morning and evening. Spray nose and throat in cases of soreness and swollen condition. Use this where you would use Iodine or Carbolic Acid in any case. Tilton Laboratories Research (Cancer) Treatment Clinton, Iowa.'

"Third, that said labels were so worded as to create in the minds of purchasers thereof the impression and belief that the contents of the bottles were effective in a remedial sense as a haemostat, and effective as a remedy, treatment, and cure for ulcers of the stomach or food tract, sore mouth, pyorrhea, sore tonsils and sore throat, and effective as a treatment, remedy, and cure for piles and female troubles.

"Fourth, that said statements and representations on the labels as aforesaid, or some of them, were false and untrue.

"Fifth, that the defendant Lester Tilton knew that said statements and representations, or some of them were not true or that he placed them thereon in reckless and wanton disregard of their truth or falsity, and,

"Sixth, that said statements or representations, or some of them, were so placed on said labels by said defendant with the purpose and intent on his part to deceive users or purchasers thereof.

"If you find that the Government has established by the evidence and beyond a reasonable doubt each and all of the six foregoing material allegations, then you would be warranted in returning a verdict of guilty as against the defendant on count 3 of the information. But if you find that the Government has failed to establish any of said material allegations by the evidence and beyond a reasonable doubt, then you must return a verdict of not guilty as to count 3 of the information.

"Instruction No. 9. The material allegations of count 4 of the information are:

"First, that the defendant Lester Tilton on or about the 23d day of June and on or about the 10th day of November, 1930, shipped by means of a motor truck from the city of Clinton, Iowa, to Chicago, Ill., and consigned to the Felician Sisters Convent in said city certain bottles bearing on a label thereon statements regarding the therapeutic and curative effects of the contents thereof.

"Second, that said bottles were labeled as follows: 'No. 2 Pyroligneous Compound (Patented May 27, 1924) U.S. Analysis—Ammonia, Creosotes, Pyridens,

Alcohol-ethyl, a trace, and inorganic compounds. Its Uses—For Goitre Moistened swollen glands thoroughly three times a day and let dry. For Swollen Glands and Varicose Veins moisten twice a day as above. Tilton Laboratories Research (Cancer) Treatment Clinton, Iowa.'

"Third, that said labels were so worded as to create in the minds of purchasers thereof the impression and belief that the contents of the bottles, were effective in a remedial sense for the treatment and cure of goiter, swollen glands, and varicose veins.

"Fourth, that said statements and representations on the labels as aforesaid, or some of them, were false and untrue.

"Fifth, that the defendant Lester Tilton knew that said statements and representations, or some of them, were not true or that he placed them thereon in reckless and wanton disregard of their truth or falsity, and

"Sixth, that said statements or representations, or some of them, were so placed on said labels by said defendant with the purpose and intent on his part to deceive users or purchasers thereof.

"If you find that the Government has established by the evidence and beyond a reasonable doubt each and all of the six foregoing material allegations, then you would be warranted in returning a verdict of guilty as against the defendant on count 4 of the information. But if you find that the Government has failed to establish any of said material allegations by the evidence and beyond a reasonable doubt, then you must return a verdict of not guilty as to count 4 of the information.

"Instruction No. 10. The material allegations of count 5 of the information are:

"First, that the defendant Lester Tilton on or about the 23rd day of June and on or about the 10th day of November, 1930, shipped by means of a motor truck from the city of Clinton, Iowa, to the city of Chicago, Ill., and consigned to the Felician Sisters Convent in said city certain packages, to wit, a number of jars enclosed in shipping cartons and bearing on a label on said cartons statements regarding the therapeutic and curative effects of the contents thereof.

"Second, that said cartons were labeled as follows; 'Healing Ointment To Apply—Spread on used muslin, gauze or flake of cotton to exclude the air. Change every 12 hours. Use over Cuts, Burns, Bruises, Boils, Carbuncles, Abscesses, Infections, Sore Throat, Tonsillitis Sore Lungs or Pus Condition of Pleura or Appendicitis and Varicose Ulcer. Cover well all swollen or inflamed Parts, changing every 12 hours until healed or soreness has disappeared. Tilton Laboratories Clinton, Iowa.'

"Third, that said labels were so worded as to create in the minds of purchasers thereof the impression and belief that the contents contained ingredients or medicinal agents effective, among other things, as a healing ointment; and effective as a treatment, remedy, and cure for boils, carbuncles, abscesses, infections, sore throat, tonsillitis, sore lungs, pus conditions of the pleura, appendicitis, and varicose ulcers; and effective as a treatment for swollen or inflamed parts.

"Fourth, that said statements and representations on the labels as aforesaid, or some of them, were false and untrue.

"Fifth, that the defendant Lester Tilton knew that said statements and representations, or some of them, were not true or that he placed them thereon in reckless and wanton disregard of their truth or falsity, and

"Sixth, that said statements or representations, or some of them, were so placed on said labels by said defendant with the purpose and intent on his part to deceive users or purchasers thereof.

"If you find that the Government has established by the evidence and beyond a reasonable doubt each and all of the six foregoing material allegations, then you would be warranted in returning a verdict of guilty as against the defendant on count 5 of the information. But if you find that the Government has failed to establish any of said material allegations by the evidence and beyond a reasonable doubt, then you must return a verdict of not guilty as to count 5 of the information.

"Instruction No. 11. The material allegations of count 6 of the information are:

"First, that the defendant Lester Tilton on or about the 6th day of July, 1931, shipped by parcel post from Clinton, Iowa, to Chicago Ill., and consigned to Steve J. Plecki, in said city, a number of jars bearing on labels thereon

statements regarding the therapeutic and curative effects of the contents thereof.

"Second, that said jars were labeled in the same manner and with the same wording as the labels set out in count 5 of the information.

"Third, that said labels were so worded as to create in the minds of purchasers thereof the impression and belief that the contents contained ingredients or medicinal agents effective, among other things, as a healing ointment; and effective as a treatment, remedy, and cure for boils, carbuncles, abscesses, infections, sore throat, tonsillitis, sore lungs, pus conditions of the pleura, appendicitis, and varicose ulcers; and effective as a treatment for swollen or inflamed parts.

"Fourth, that said statements and representations on the labels as aforesaid, or some of them, were false and untrue.

"Fifth, that the defendant Lester Tilton knew that said statements and representations, or some of them, were not true or that he placed them thereon in reckless and wanton disregard of their truth or falsity, and

"Sixth, that said statements or representations, or some of them, were so placed on said labels by said defendant with the purpose and intent on his part to deceive users or purchasers thereof.

"If you find that the Government has established by the evidence and beyond a reasonable doubt each and all of the six foregoing material allegations, then you would be warranted in returning a verdict of guilty as against the defendant on count 6 of the information. But if you find that the Government has failed to establish any of said material allegations by the evidence and beyond a reasonable doubt, then you must return a verdict of not guilty as to count 6 of the information.

"Instruction No. 12. You will notice that the information does not directly charge that the statements and representations on the labels state that the remedies were effective for the purposes charged in the information and as set forth in the third material allegation referred to in the preceding instruction,—the charge being that the labels were so worded as to create in the minds of purchasers thereof the impression and belief that the contents thereof were so effective as a remedy as charged.

"The aim of the statute is to prevent a wrongful impression from indirect or ambiguous statements as well as from false, direct statements; but in order to be criminal a statement on a label must be such as to be well understood by an ordinarily cautious and prudent person as a direct statement of fact. So in determining whether or not the labels were so worded as to create in the minds of purchasers or users of the articles so branded or labeled by the statements and representations as charged in the information, you should consider the entire label and it is for you to say and determine therefrom whether or not such label did contain statements that were in fact representations that the contents and ingredients of the bottles or jars, as the case may be, were effective as a remedy in the sense as charged in the information. In this connection you are told that it is not necessary for the Government to establish that the labels charged all of the curative effects as charged in the information, for if the information charges and the evidence establishes beyond a reasonable doubt that the labels represented a statement of fact as to any such treatments or cures and that such statement as to any such treatment or cure was false and known by the defendant to be false and placed thereon by him for the purpose and with the intent to deceive purchasers or users thereof, then the charge would be sufficient.

"Instruction No. 13. If you find that the Government has established that some or all of the statements as charged were contained on the label or labels, but if you find that all such statements were in fact true, then you need go no further but return a verdict for the defendant of not guilty.

"Instruction No. 14. In order to prove that the defendant Lester Tilton was guilty as charged in counts 3, 4, 5, and 6 of the information it must not only be shown by the Government that statements regarding the remedial nature of the product were made and that they were false and untrue, but also that the said Lester Tilton knew that they were not true or that he made them in such reckless and wanton disregard for their truth or falsity as to supply a knowledge on his part.

"If you find that the Government has failed to establish that Lester Tilton did not know that the statements on the labels made by him, if they were made by him, were untrue, or if the Government has failed to show that

they were not made honestly and in good faith on his part with no intention to deceive users or purchasers thereof, then or in either of those events you must return a verdict of not guilty as to counts 3, 4, 5, and 6.

"Instruction No. 15. Another element of the counts 3, 4, 5, and 6 in the information is that Lester Tilton, the defendant, placed the labels on the articles for the purpose of deceiving users or purchasers thereof.

"Intent is an emotion of the mind seldom if ever susceptible of direct and positive testimony and it can only be arrived at by a jury in consideration of all the facts and circumstances surrounding the transactions as disclosed by the evidence and weighing the testimony of the several witnesses, and it is for you to say and determine as an ordinarily cautious and prudent person would what was the intent and purpose of the defendant in placing the statements and labels on the articles, if you find that they were so placed thereon by the defendant.

"In this connection you are instructed that evidence was permitted by the court to be introduced by certain physicians from Chicago as to certain treatments or experiments had by the defendant on patients in that city and that this evidence was introduced and permitted to be presented in court only as it might bear upon the question of the knowledge, intent, and purpose of the defendant, Lester Tilton, in the labeling and shipping of his products to that city.

"We are not here to determine whether these articles or any of them were effective or efficacious as a cure or aid in the treatment of cancer, and this evidence, as aforesaid, should not be considered by you and you should not consider whether or not the defendant here effected a cure of cancer in the city of Chicago, but you should consider the evidence only on the question of what was his intent and purpose and design in the labeling of the articles that are claimed by the information to have been shipped from Clinton, Iowa, to Chicago, Ill., and as set out in the information.

"Instruction No. 16. One of the necessary elements or material allegations of counts 3, 4, 5, and 6 of the information is that the article was shipped bearing labels containing alleged false and fraudulent representations.

"Some evidence was adduced to the effect that the labels were shipped in the same box and were directed to be placed thereon before they were used by the defendant. If you find that the evidence establishes either that the labels were on the bottles when they were shipped or that the labels were shipped with the boxes and within the cartons but were later placed thereon by someone under the direction of the defendant, then you are told that such shipments of labels with the bottles and a placing thereon by his direction would amount to the same thing as a shipment of the bottles or articles with the labels pasted thereon.

"Instruction No. 17. You are instructed that you should consider each one of the charges separately. You are not required to find the defendant guilty or not guilty as to all of the counts, but guided by the evidence and these instructions you will consider and return your verdict on each count as to whether or not the Government has established by the evidence and beyond a reasonable doubt from the evidence the truth of all the material allegations of such information.

"You are permitted to return a verdict of guilty as to some of the counts and not guilty as to others.

"Instruction No. 18. You are the sole judges of the credibility of the witnesses and of the weight to be given their testimony. In weighing the testimony of the various witnesses you should take into consideration their interest, if any, in the result of the trial; their intelligence, or want of it; their means and opportunities of seeing, knowing, and remembering the matters testified to by them; whether they are corroborated or contradicted by other credible witnesses and the facts in evidence, whether the matters testified to by them and the statements made by them are reasonable or unreasonable, and all the other facts and circumstances in evidence.

"You should carefully consider and weigh all the evidence in the case, and return such a verdict as your consciences will approve, based alone on the evidence and these instructions, and free from influence, bias, prejudice, or sympathy.

"Instruction No. 19. The defendant has testified before you as a witness in his own behalf; and in considering and weighing his testimony you should be governed by the instruction last given, and apply the same rules as that

governing the testimony of the other witnesses, taking into consideration the fact that he is the defendant and charged with the crime; and while for that reason alone you should not disregard his testimony, yet the fact that he is testifying in his own behalf may be considered by you, and you should fairly and impartially consider his evidence as you should that of all the witnesses. You should also consider whether the testimony of the defendant is true, and made in good faith or whether it is for the purpose of avoiding conviction; and in the light of all the facts and circumstances as presented by the evidence you should give to the testimony of each witness such weight as you believe it fairly entitled to.

"Instruction No. 20. Two forms of verdict are here submitted to you. If you find the defendant guilty on any count or counts the form of your verdict will be: 'We, the jury, find the defendant Lester Tilton Guilty of the charge contained in (counts 1, 3, 4, 5, and 6 separately) of the information filed herein.'

"If you find the defendant not guilty on any count or counts, the form of your verdict will be: 'We, the jury, find the defendant Lester Tilton Not Guilty of the charge contained in (counts 1, 3, 4, 5, and 6 separately) of the information filed herein.'

"When you have agreed upon your verdicts, you will cause the same to be signed by one of your number, whom you may have chosen as foreman, and return the verdicts into court."

On November 3, 1933, the jury returned a verdict of guilty, and on November 27, 1933, the court imposed a fine of \$200 on each of the five counts of the information.

M. L. WILSON, *Acting Secretary of Agriculture.*

21802. Misbranding of Pabst's O.K. Specific. U. S. v. Fridolin Pabst (Pabst Chemical Co.). Judgment of guilty. Fine, \$100. (F. & D. no. 27566. I.S. nos. 36901, 38409.)

Examination of the drug preparation, Pabst's O. K. Specific, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On May 6, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Fridolin Pabst, trading as the Pabst Chemical Co., Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about March 2, 1931, from the State of Illinois into the State of Texas, and on or about July 7, 1931, from the State of Illinois into Puerto Rico, of quantities of Pabst's O. K. Specific that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of cubeb oil, copaiba oleoresin, extracts of plant drugs, including buchu and uva ursi, sugar, alcohol, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices appearing in the circulars shipped with the article, regarding its curative and therapeutic effects, falsely and fraudulently represented that the article was effective in the treatment of and as a cure for gonorrhoea and gleet, either when used alone or in connection with "Okay Tonic", whereas it was not effective in the treatment of or as a cure for gonorrhoea and gleet, either when used alone or in connection with "The Okay Tonic."

On January 9, 1934, the defendant having entered a plea of not guilty to the information and a jury having been waived and the case submitted to the court, judgment was entered finding the defendant guilty and imposing a penalty of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21803. Misbranding of Ora-Noid Mouth Powder. U. S. v. 33 Packages of Ora-Noid Mouth Powder. Tried to the court. Judgment for the Government. Decree of condemnation, forfeiture, and destruction. U. S. v. 10 Packages of Ora-Noid. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 28242, 28924. I.S. no. 53785. S. No. 6103. Sample no. 4963-A.)

Examination of the drug preparation, Ora-Noid Mouth Powder, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 25, 1932, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 10 packages of Ora-Noid Mouth Powder at Detroit, Mich. On September 19, 1932, a libel was filed in the Eastern District of Wisconsin against 33 packages of Ora-Noid Mouth Powder at Milwaukee, Wis. It was alleged in the libels that the article had been shipped in interstate commerce on or about March 12, 1932, and August 30, 1932, by the Ora-Noid Co., from Chicago, Ill., into the States of Michigan and Wisconsin, respectively, and that it was misbranded in violation of the Food and Drugs Act as amended.

The libels charged that the article was misbranded in that the following statements, regarding its curative and therapeutic effects, appearing on the tin container, carton, and in the circular shipped with the article were false and fraudulent: (Tin) "Directions * * * Ora-Noid Mouth Powder cleans * * * tissues of the mouth, and strengthens the gums. * * * As a gargle, a solution of Ora-Noid Mouth Powder in water twice daily will prove effective in the throat. * * * A solution of Ora-Noid Mouth Powder exerts a high osmotic pressure. It draws the fluids out of inflamed tissues, thereby relieving congestion and helps to restore the tissue to a normal healthy condition. Important. Ora-Noid Mouth Powder should be used also as an aid in the treatment of pyorrhea, trench mouth and gingivitis (bleeding and inflamed gums). In such cases it is advisable to hold the solution in the mouth from 10 to 15 minutes, or longer, and not to use a tooth brush for a few days until the soreness has subsided"; (carton) "Ora-Noid is an effective aid in the treatment of all mouth disturbances, pyorrhea, gingivitis, (soft, spongy, bleeding gums), trench mouth, canker sores, sore throat, inflamed tonsils, cough * * * in fact, wherever the tissues of the mouth and its accessory organs are involved. Ora-Noid Mouth Powder is a Complete Oral Prophylactic In Itself * * * it keeps the gums in condition; it strengthens all the tissues in the mouth including the tongue, the palate, the throat and the mucous membranes on the inside of the cheeks. The use of Ora-Noid Mouth Powder alone, according to directions, performs the function of keeping the teeth, gums, tongue, mouth and throat * * * healthy. * * * It Expels Germs. Through the operation of the law of osmosis, Ora-Noid Mouth Powder, when retained in the mouth for several minutes according to directions, draws the germs out of the crypts in the tissues. Any acid that may be present in the mouth is promptly neutralized. Thus, through a physical force, bacteria hidden away in these crypts of the mouth and tongue, which no antiseptic can reach, are flushed out and expelled without in any way having destroyed, killed, or impaired any tissue"; (circular) "It keeps the gums in condition; it strengthens all the tissues in the mouth including the tongue, the palate, the throat and the mucous membrane on the inside of the cheeks. Thus Ora-Noid Mouth Powder is a complete oral prophylactic in itself. The use of Ora-Noid *alone*, according to directions, performs the function of keeping the teeth, gums, tongue, mouth and throat clean and healthy. * * * Ora-Noid Expels Bacteria * * * Through the operation of the law of osmosis, Ora-Noid (when retained in the mouth for several minutes according to directions) draws the germs out of the crypts in the tissue into the salt solution. * * * Thus, through a physical law, bacteria are flushed out from hiding places which cannot be reached by mere surface contact. This entire solution is then expelled from the mouth together with the germs therein, and without in any way having destroyed or impaired any tissue. The germs are dislodged and removed—and note that they are removed not only from the surface of the tissue, but from within the tissue crypts. * * * How Ora-Noid Acts. * * * As the tissue cells attempt to dilute the Ora-Noid solution by pouring forth their liquid content (as a result of osmotic force), the bacteria are dislodged and flushed out from the surfaces of the mucous membrane and carried away. Bacteria hidden away in those crypts of the mouth and tongue which no antiseptic can reach, cannot escape the operation of this osmotic force which flushes them out. Nature then replenishes the tissues with fresh fluids which are free from bacteria. The operation of the osmosis leads also to a temporary drying and shrinking of the tissue. This reduces congestion wherever it is present and thus, for the time being, relieves the tissue from irritation. Thereupon nature begins the rapid repair of the tissue. Inflammation tends to disappear very rapidly. Ora-Noid clears the way for nature to make repairs. * * * But Ora-Noid, through osmotic force, draws out the fluids from within the tissues and, in doing so, flushes out the bacteria no matter how securely they may be hidden away. For All Disorders of the

Mouth. In addition to its function of keeping the teeth, mouth and throat in a clean, healthy condition, Ora-Noid Mouth Powder is most helpful as an adjunct in the treatment of disturbed oral conditions. It is beneficial in cases of: Pyorrhea, Gingivitis (Bleeding and Spongy Gums), Loose Teeth, Sore Mouths caused by plates and bridges, Trench Mouth, Canker Sores, Sore Throat, Inflamed Tonsils, Coughs, Bad Breath, and, in fact, wherever the tissues of the mouth and throat are involved. In all such disorders, the normal treatment as described above is to be used, except that where the gums are sensitive or badly affected, the tooth brush should be dispensed with until the inflammation has been relieved. In severe cases Ora-Noid should be used three times a day, morning, noon and night. * * * Establishing a healthy blood circulation in the gums and mucous membranes of the mouth. * * * Correcting faulty physiology of the mouth, thereby raising its natural resistance to disease."

The Ora-Noid Co., Chicago, Ill., entered an appearance and filed a claim and answer in each case. On October 27, 1933, the case in the Eastern District of Wisconsin was heard by the court and was taken under advisement, and on December 15, 1933, the court entered the following findings of fact and declarations of law (Geiger, D. J.):

"This cause having come on for hearing on October 27, 1933, before the court without a jury, the jury having been waived in writing, on the issues joined upon the libels of the United States of America and the answer of the Ora-Noid Company, an Illinois corporation, and intervening claimant herein, and the aforesaid intervening claimant by its answer having admitted that it is the manufacturer and shipper of the 33 packages, more or less, of Ora-Noid Mouth Powder and that the said packages were shipped for sale by it from Chicago, Ill., on or about August 30, 1932, via parcel post, and consigned to the Milwaukee Drug Company at Milwaukee, Wis., and further admits that the said shipment of Ora-Noid Mouth Powder was interstate and by common carrier and was delivered to consignee; and witnesses having been called and evidence, both oral and documentary, having been adduced on behalf of the libelant, and the claimant having declined and failed to offer any evidence in contravention thereof, and the court having heard the arguments of counsel and being fully advised in the premises makes the following findings of fact and declarations of law.

"Findings of fact. I. That pursuant to the libel and process duly issued out of this court the United States marshal seized 29 packages of Ora-Noid Mouth Powder in the possession of the Milwaukee Drug Company, Milwaukee, Wis., and the same are now being held in his possession within the jurisdiction of this court.

"II. That the Ora-Noid Mouth Powder, seized as aforesaid, is a preparation consisting of the following ingredients in approximately the following proportions:

	Percent
Salt-----	46.38
Chalk-----	19.53
Bicarbonate of soda-----	13.75
Calcium phosphate-----	4.34
Magnesium phosphate-----	1.52
Potassium phosphate-----	1.81
Sodium phosphate-----	1.96
Magnesium sulphate-----	1.38
Potassium sulphate-----	2.87
Bicarbonate of potassium-----	2.64
Cinnamon and clove flavoring-----	Present

"III. That the several packages of Ora-Noid Mouth Powder, seized as aforesaid, each contain a circular containing statements, designs, and devices as follows: * * *

"IV. That a number of the statements appearing in the circular set forth in finding III are repeated in substance on the lithographed can which constitutes the immediate container of the Ora-Noid Mouth Powder and also on the outside of the carton which constitutes the outer container or retail package as the preparation is offered for sale to the consumer.

"V. That the Ora-Noid Mouth Powder, seized as aforesaid, is not a complete oral prophylactic in itself as stated on page 2 of the circular.

"VI. That the circular contained in each of the aforesaid packages of Ora-Noid Mouth Powder represents that the use of the powder as directed will, by the operation of the law or phenomena of osmosis produce a copious flow of liquids out from the mucous membranes which constitute the lining of the oral cavity and the surface of the gums and thereby flush out substantial numbers, if not all of the pathogenic organisms from such mucous membranes, whereas in truth and in fact the use of the powder as directed would produce, if any, such a negligible flow of liquids from the mucous membranes as to have no material effect upon the number of pathogenic organisms present in such mucous membranes.

"VII. That the experiment outlined on pages 3 and 4 of the circular contained in each of the aforesaid packages of Ora-Noid Mouth Powder under the heading 'The Law of Osmosis what is It?', is set forth therein for the obvious purpose of conveying to the mind of the purchaser that the law or phenomena of osmosis operates the same through living tissue as it does through a collodion membrane, whereas such evidence as is available to science indicates quite definitely that in some instances at least living tissue acts entirely contrary to the law or phenomena of osmosis, and with respect to most of the living tissues of the body their action, with respect to the law or phenomena of osmosis, is unknown to science and cannot, within the sphere of present-day scientific knowledge, be demonstrated.

"VIII. That when read as a whole, the statements, designs, and devices appearing in the circular contained in each package of the Ora-Noid Mouth Powder, seized as aforesaid, represents to the purchasers and users that the said Ora-Noid Mouth Powder will have curative and therapeutic effect on diseases of the mouth substantially beyond that exerted by ordinary mechanical cleansing agents, whereas in truth and in fact, it will not have such curative or therapeutic effect.

"IX. In addition to Ora-Noid Mouth Powder, the claimant company manufactures another preparation which it sells to dentists under the name of Ora-Noid Special. In literature disseminated by the Ora-Noid Co. in the past advertising this Ora-Noid Special to dentists the company has given full recognition to the necessity of instrumentation in the treatment of pyorrhea and other diseases of the mouth and has in such advertising recommended the use of Ora-Noid Mouth Powder by the patient at home for cleansing purposes. It thus appears conclusively, and is found to be the fact, that at the time the Ora-Noid Mouth Powder here in question was shipped, the claimant, Ora-Noid Co., knew the necessity of instrumentation at the dentist's chair in the treatment of pyorrhea, knew the limitations of Ora-Noid Mouth Powder, and knew that the organisms of disease in the tissues of the mouth cannot be flushed out, in any substantial degree, by the use of Ora-Noid Mouth Powder alone.

"X. That findings V, VI, VII, and VIII, set forth above, are in accord with the consensus of present-day medical and scientific opinion.

"Declarations of law I. That the aforesaid packages of Ora-Noid Mouth Powder are, by reason of the purposes for which the preparation is recommended on its label and in the circular contained within each of the packages, a drug within the meaning of the Act of Congress of June 30, 1906, known as the Food and Drugs Act (U.S.C. title 21, secs. 1-15).

"II. Persons who make or deal in proprietary medicines alleged to be curative are in a position to have superior knowledge and should be held to good faith in their statements. It being found as a fact that some of the statements appearing in the circular and on the packages of Ora-Noid Mouth Powder here in question concerning the curative and therapeutic effect of the article were made with knowledge of their falsity on the part of the Ora-Noid Co., the manufacturer and shipper, and other such statements, found to be false, are of such a nature as to indicate that the Ora-Noid Co. uttered and published them without knowledge of the subject matter and in reckless and wanton disregard of their truth or falsity, the court concludes and declares the statements of both categories to be fraudulent.

"III. The circular contained in each of the packages of Ora-Noid Mouth Powder, seized as aforesaid, and the cans and cartons forming the package bear statements, designs, and devices concerning the curative and therapeutic effect of the Ora-Noid Mouth Powder which are false and fraudulent.

"IV. The packages of Ora-Noid Mouth Powder, seized as aforesaid, are misbranded within the meaning of the act of Congress of June 30, 1906, known as the Food and Drugs Act, as amended by the Act of August 23, 1912 (U.S.C. title 21, secs. 1-15)."

On December 15, 1933, judgment of condemnation and forfeiture was entered, and the court ordered the product destroyed by the United States marshal. On January 3, 1934, an order having been entered in the case instituted in the Eastern District of Michigan permitting withdrawal of the claim and answer, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21804. Adulteration and misbranding of Dr. Koch's Mentholene Ointment, Dr. Koch's Cold and Grip Tablets, and Dr. Koch's Sept-O-Cide; misbranding of Dr. Koch's Rolatum Healing Salve, Dr. Koch's Mustard Ointment, We-No-Nah Poultry Tonic, and Dr. Koch's Vegetable Family Tea. U. S. v. Dr. Koch Vegetable Tea Co. Plea of nolo contendere. Fine, \$130. (F. & D. no. 29413. I.S. nos. 39539, 39540, 41045 to 41050 incl., 41110, 41111, 41112, 47027, 47028, 47029.)

Examination of the drug preparations involved in this case disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings. Tests conducted to determine the truthfulness of the antiseptic claims for the Mentholene Ointment, and the antiseptic and germicidal claims for the Sept-O-Cide proved that the former was not an antiseptic, and that the latter was not an antiseptic and germicide when used according to directions. The Cold and Grip Tablets, upon analysis, were found to contain less acetanilid than was declared on the label.

On January 23, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District court an information against the Dr. Koch Vegetable Tea Co. a corporation, Winona, Minn., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of December 1, 1931, and January 5, 1932, from the State of Minnesota into the States of West Virginia, Wisconsin, and Illinois of various shipments of Dr. Koch's Mentholene Ointment, Dr. Koch's Cold and Grip Tablets, and Dr. Koch's Sept-O-Cide which were adulterated; and of quantities of Dr. Koch's Rolatum Healing Salve, Dr. Koch's Mustard Ointment, We-No-Nah Poultry Tonic, and Dr. Koch's Vegetable Family Tea, which were misbranded.

Analyses of samples of the articles by this Department showed that Dr. Koch's Mentholene Ointment consisted essentially of small proportions of menthol, camphor, and eucalyptol incorporated in a petrolatum and paraffin base; that Dr. Koch's Cold and Grip Tablets consisted essentially of acetanilid (2.13 grains per tablet), caffeine (0.24 grain per tablet), phenolphthalein, extracts of plant material, including cinchona, starch, and calcium carbonate; that Dr. Koch's Sept-O-Cide consisted essentially of small proportions of zinc chloride, saccharin, formaldehyde, an acid, volatile oils, including peppermint oil, thymol, and menthol, alcohol, glycerin, and water, colored with a red dye; that Dr. Koch's Rolatum Healing Salve consisted essentially of zinc oxide and a small proportion of phenol incorporated in petrolatum; that Dr. Koch's Mustard Ointment consisted essentially of volatile oils, including mustard oil, methyl-salicylate and capsicum oleoresin, incorporated in petrolatum; that We-No-Nah Poultry Tonic consisted essentially of sulphur, calcium carbonate, sodium chloride, iron sulphate, plant material, including capsicum, charcoal, phosphates, sulphates, and a small proportion of cantharides; and that Dr. Koch's Vegetable Family Tea consisted essentially of plant material, including senna, sassafras, coriander, fennel, licorice, uva ursi, and sage.

It was alleged in the information that the Mentholene Ointment and the Sept-O-Cide were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that the former was represented to be an antiseptic, whereas it was not an antiseptic; and the latter was represented to be antiseptic, germicidal, purifying, and germ-destroying and an efficient antiseptic and germicide when used as directed, whereas it was not antiseptic, germicidal, purifying, and germ-destroying, and was not an efficient antiseptic and germicide when used as directed.

Adulteration of the Cold and Grip Tablets was alleged for the reason that the article fell below the professed standard and quality under which it was sold, since each tablet was represented to contain $2\frac{1}{2}$ grains of acetanilid,

whereas each tablet contained less than $2\frac{1}{2}$ grains, namely, not more than $2\frac{1}{2}$ grains of acetanilid.

Misbranding of the Mentholene Ointment was alleged for the reason that the statement on the label, "Antiseptic", was false and misleading, since the article was not antiseptic. Misbranding of the Sept-O-Cide was alleged for the reason that the statements, (bottle) "Sept-O-Cide * * * Antiseptic * * * Directions", (circular) "For sterilization and germinal purposes * * * to be employed wherever its purifying and germ destroying properties are required * * * Dr. Koch's Sept-O-Cide is a * * * very efficient and germicide", were false and misleading, since the article was not antiseptic or germicidal, was not purifying and germ-destroying, and was not an efficient antiseptic and germicide when used as directed. Misbranding of the Cold and Grip Tablets was alleged for the reason that the statement, "Each tablet contains $2\frac{1}{2}$ grains of Acetanilid", borne on the label was false and misleading, since the tablets contained less than $2\frac{1}{2}$ grains of acetanilid.

Misbranding of the Rolatum Healing Salve was alleged for the reason that the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for salt rheum, eczema, sores, boils, piles, sore eyelids, tetter, leprosy, lichen, itch, scrofulous ulcers, erysipelas sores, milk leg, old sores, running sores, abscesses, and carbuncles.

Misbranding of the Mentholene Ointment was alleged for the reason that the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for catarrh, hay fever, croup, pneumonia, and sore throat.

Misbranding of the Cold and Grip Tablets was alleged for the reason that the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for grip.

Misbranding of Mustard Ointment was alleged for the reason that the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for croup, pleurisy, bronchitis, and sore joints.

Misbranding of Sept-O-Cide was alleged for the reason that the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for sore, spongy or bleeding gums, tender mouth, sore throat, and tonsilitis; effective for the prevention of certain infection and to guard the system against contagious disease; and effective as a treatment, remedy, and cure for certain inflamed mucous membrane of mouth and throat.

Misbranding of We-No-Nah Poultry Tonic was alleged for the reason that the labeling falsely and fraudulently represented that the article was effective as a preventive of disease in poultry; effective to regulate the liver and digestive organs and have a special beneficial action on the egg-producing organs of the hen; effective to make hens lay; effective to cure cholera in poultry; effective to cure severe cases of cholera in poultry; effective to promote growth and fatten poultry; effective to insure good health and a strong and vigorous body and increase the production of eggs in poultry; effective to keep poultry in a healthy condition and to fatten turkeys and all kinds of poultry; and effective to regulate the entire system.

Misbranding of the Vegetable Family Tea was alleged for the reason that the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for ailments of the blood, stomach, liver, and kidneys; effective as a remedy for kidney troubles; effective to impart to the complexion the freshness and brilliancy which belong to youth; effective to produce a clear and beautiful complexion; effective to insure good health; effective to remove many of the principal causes of sickness and as a treatment for disordered stomach; effective to purify the blood and to overcome that tired feeling; effective to overcome the weakening, debilitating effects of hot weather; effective to avert the great danger to health in the varying temperature, cold, and storms of the autumn; effective to calm the fear of the chilling blasts and sudden changes of temperature in winter; effective to soothe the fretful baby; effective to prevent long and tedious spells of sickness; effective as a treatment, remedy, and cure for dizziness, palpitation, loss of sleep, distress after eating, eruptions of the skin, that "all-gone" feeling, and disorders of the stomach.

On January 24, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$130.

M. L. WILSON, *Acting Secretary of Agriculture.*

21805. Misbranding of Thor's Vitamin Compound. U. S. v. 72 Bottles of Thor's Vitamin Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29920. Sample no. 32533-A.)

Examination of the drug preparation, Thor's Vitamin Compound, disclosed that it contained no medicinal agents capable of producing certain curative and therapeutic effects claimed on the carton label and in a circular shipped with the article.

On March 16, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel, and on May 16, 1933, an amended libel, praying seizure and condemnation of 72 bottles of Thor's Vitamin Compound at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about March 15, 1933, by the Thor Pharmacal Co., from Atlanta, Ga., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of yeast, phenolphthalein, nux vomica, and compounds of iron, copper, manganese, calcium, magnesium, sodium, and potassium. Biological examination showed that the article was worthless as a source of vitamin D.

It was alleged in the libel as amended that the article was misbranded in that certain statements appearing on the carton and in a circular shipped with the article, regarding its effectiveness in the treatment of impoverished blood, undernourished conditions, general systemic depletion, thin blood, acid stomach, gas, constipation, bilious attacks, nervousness, weakness, loss of weight, sleeplessness, rundown, anaemic condition, violent headaches from indigestion, autointoxication, generally depleted anaemic condition, and rundown system, were false and fraudulent.

On January 3, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

21806. Adulteration and misbranding of granular effervescent sodium phosphate, elixir three bromides, fluidextract of ipecac, tincture of belladonna, and aromatic spirit of ammonia. U. S. v. Hance Bros. & White, Inc. Plea of nolo contendere. Fine, \$75. (F. & D. no. 30218. Sample nos. 10749-A, 11427-A, 21273-A, 21274-A, 21631-A.)

This case was based on interstate shipments of granular effervescent sodium phosphate, fluidextract of ipecac, tincture of belladonna, and aromatic spirit of ammonia, products which are recognized in the United States Pharmacopoeia and which were labeled as being of pharmacopoeial standard; also of a shipment of elixir three bromides, a product which is recognized in the National Formulary and which was labeled as being a formulary standard. Analyses of the articles showed that they failed to conform to the tests laid down in the said authorities.

On December 27, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hance Bros. & White, Inc., Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 5, January 16, and February 4, 1932, from the State of Pennsylvania into the State of New Jersey, of quantities of granular effervescent sodium phosphate; on or about March 3 and November 22, 1932, from the State of Pennsylvania into the State of New York, of quantities of elixir three bromides, fluidextract of ipecac, and tincture of belladonna; and on or about January 10, 1933, from the State of Pennsylvania into the State of Connecticut, of a quantity of aromatic spirit of ammonia, which was adulterated and misbranded. The articles were labeled in part, variously: "I.D.A. Granular Effervescent Sodium Phosphate * * * U.S.P. Strength * * * Packed for Independent Druggists Alliance Distributing Company, Chicago, Ill."; "Elixir Three Bromides N.F. * * * Hance Brothers & White, Incorporated"; "Fluidextract Ipecac U.S.P. Each 100 Cc contains not less than 1.35 Gms. or more than 1.65 Gms. of Ether Soluble Alkaloids of Ipecac"; "Tincture Belladonna U.S.P.-X. * * * Each 100 Cc. contains not less than .027 gm. or more than .033 gm. of the alkaloids of Belladonna Leaves"; "Aromatic Spirit Ammonia U.S.P.-X."

It was alleged in the information that the elixir three bromides was adulterated in that it was sold under a name recognized in the National Formulary,

and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said formulary official at the time of investigation, since it contained not more than 70.12 grams of potassium bromide and not more than 66.58 grams of sodium bromide, per 1,000 cubic centimeters, whereas the National Formulary provides that 1,000 cubic centimeters of elixir three bromides shall contain not less than 80 grams each of potassium bromide and sodium bromide; and the standard of strength, quality, and purity of the article was not declared on the container.

Adulteration of the remaining products was alleged for the reason that they were sold under names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia, in the following respects, and their own standard of strength, quality, and purity was not declared on the container: The granular effervescent sodium phosphate contained more than 20 percent of exsiccated sodium phosphate, namely, not less than 32.46 percent of exsiccated sodium phosphate, whereas the pharmacopoeia provides that the product shall contain not more than 20 percent of exsiccated sodium phosphate; the fluidextract of ipecac yielded less than 1.35 grams, namely, not more than 1.027 grams, of the ether-soluble alkaloids of ipecac per 100 cubic centimeters, whereas the pharmacopoeia provides that the product shall yield from each 100 cubic centimeters not less than 1.35 grams of the ether-soluble alkaloids of ipecac; the tincture of belladonna yielded more than 0.033 gram, namely, not less than 0.037 gram, of the alkaloids of belladonna leaves per 100 cubic centimeters, whereas the pharmacopoeia provides that the product shall contain in each 100 cubic centimeters not more than .033 gram of the alkaloids of belladonna leaves; the aromatic spirit of ammonia contained less than 1.839 grams, namely, not more than 1.171 grams, of ammonia per 100 cubic centimeters, whereas the pharmacopoeia provides that the product shall contain not less than 1.839 grams of ammonia per 100 cubic centimeters. Adulteration was alleged with respect to all products for the further reason that their strength and purity fell below the professed standard and quality under which they were sold.

Misbranding was alleged for the reason that the statements "Effervescent Sodium Phosphate * * * U.S.P. Strength", "Elixir Three Bromides, N.F.", "Fluidextract Ipecac, U.S.P. Each 100 Cc. contains not less than 1.35 Gms. or more than 1.65 Gms. of Ether Soluble Alkaloids of Ipecac", "Tincture Belladonna U.S.P.-X * * * Each 100 Cc. contains not * * * more than .033 gm. of the Alkaloids of Belladonna Leaves", "Aromatic Spirit Ammonia U.S.P.-X", borne on the labels of the respective products, were false and misleading.

On January 22, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$75.

M. L. WILSON, *Acting Secretary of Agriculture.*

21807. Misbranding of Schultz Liquid-Tone. U. S. v. Ferdinand Henry Schultz (Schultz Chemical Co.). Plea of guilty. Fine, \$200 and costs. (F. & D. no. 30276. Sample no. 6338-A.)

Examination of the drug preparation, Schultz Liquid-Tone, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 31, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ferdinand Henry Schultz, trading as the Schultz Chemical Co., Council Bluffs, Iowa, alleging shipment by said defendant on or about August 3, 1932, from the State of Iowa into the State of Nebraska, of a quantity of Schultz Liquid-Tone that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of copper sulphate, sodium thiosulphate, potassium hydroxide, carbonates, phenols, glycerin, anise oil, and water, colored with caramel.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the label of the drum containing the article, falsely and fraudulently represented that it was effective as a treatment for sick hogs; effective as a preventive treatment against disease; effective as a preventive treatment of germ diseases in brood sows; effective as a treatment following vaccination to prevent any breaks on account of lowered vitality in

pigs; effective as a treatment following vaccination to put stock hogs in good shape; and effective as a treatment for negro and flu.

On January 23, 1934, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21808. Adulteration and misbranding of National Antacid Powder, codeine sulphate tablets, and cinchophen tablets. U. S. v. National Drug Co. Plea of nolo contendere. Fine, \$75. (F. & D. no. 30301. Sample nos. 7552-A, 8198-A, 13096-A, 15782-A.)

This case was based on interstate shipments of codeine sulphate tablets and cinchophen tablets that contained less codeine sulphate and cinchophen, respectively, than was declared on the labels; and of Antacid Powder that contained a smaller proportion of bismuth subcarbonate than was declared on the label.

On November 24, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Drug Co., a corporation, Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 31, 1932, from the State of Pennsylvania into the State of New Jersey, of a quantity of codeine sulphate tablets; on or about May 3 and May 17, 1932, from the State of Pennsylvania into the State of South Carolina and the District of Columbia, respectively, of quantities of Antacid Powder; and on or about August 15, 1932, from the State of Pennsylvania into the State of New York, of a quantity of cinchophen tablets, which were adulterated and misbranded. The articles were labeled in part: "National Antacid Powder Bismuth Subcarbonate 1 part, Sodium Bicarbonate 2 parts, Calcium Carbonate (precip.) 2 parts, Magnesium Oxide Light 2 parts Manufactured and Guaranteed By the National Drug Co. Philadelphia, Pa."; "Tablet Triturates Codeine Sulphate * * * $\frac{1}{8}$ Grain in each tablet"; "Compressed Tablets Cinchophen * * * 5 Grains."

Analyses of samples of the National Antacid Powder by this Department showed that one sample contained 13 percent less bismuth subcarbonate and another sample 18 percent less than was represented on the label; that the codeine sulphate tablets contained 12 percent less codeine sulphate than represented by the label; and that the cinchophen tablets contained 12 percent less cinchophen than was represented by the label.

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, since the label of the Antacid Powder represented that bismuth subcarbonate was one-seventh of the article, whereas bismuth subcarbonate was less than one-seventh of the article; each of the codeine sulphate tablets was represented to contain $\frac{1}{8}$ grain of codeine sulphate, whereas each of the tablets contained not more than 0.112 grain ($\frac{1}{8}$ grain) of codeine sulphate; and each of the cinchophen tablets was represented to contain 5 grains of cinchophen, whereas each tablet contained less than 5 grains of cinchophen, namely, not more than 4.38 grains of cinchophen.

Misbranding was alleged for the reason that the statements, "Bismuth Subcarbonate 1 part", with respect to the Antacid Powder, "Codeine Sulphate * * * $\frac{1}{8}$ Grain in each tablet", with respect to the codeine sulphate tablets; and "Tablets Cinchophen * * * 5 Grains", with respect to the cinchophen tablets, were false and misleading.

On January 22, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$75.

M. L. WILSON, *Acting Secretary of Agriculture.*

21809. Misbranding of Femnex. U. S. v. 44 Large and 94 Small Packages of Femnex. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30463. S. no. 23412-A.)

Examination of the drug preparation, Femnex Tablets, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It was also claimed in the labeling that the article would have no bad after-effects and that it was safe, whereas it contained drugs which might have bad after-effects and which might be dangerous. The article also contained acetphenetidin and the label failed to declare that acetphenetidin is a derivative of acetanilid.

On May 16, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 138 packages of Feminex at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about April 29, 1933, by Drug Store Products, Inc., from Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample taken from this consignment showed that the article consisted essentially of tablets, each of which contained acetphenetidin (a derivative of acetanilid, 2.4 grains), acetylsalicylic acid, (2.3 grains), and caffeine and phenolphthalein in small amounts.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and misleading: (Bottle label) "Acts * * * with no bad after effects, Feminex Tablets give * * * safe relief"; (carton) "Acts * * * with no bad after effects * * * safe"; (circular) "Safe, reliable * * * to its safe reliability * * * It acts * * * safely and without bad after effects whatsoever."

Misbranding was alleged for the further reason that the package failed to bear upon its label a statement of the quantity or proportion of the derivative of acetanilid contained in the article, since the declaration concerning the content of acetphenetidin in the tablets did not include the information that acetphenetidin is a derivative of acetanilid.

Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "Feminex * * * For Pain Feminex * * * For Pain give prompt yet safe relief from * * * Backache, Periodic Pain * * * Etc. without bad after effects on the heart or stomach. Specially developed for women and girls who seek * * * effective relief from * * * backache, periodic pain, neuritis, etc. * * * the formula is * * * sure * * * recommended to women and girls because of its important and exclusive advantages in relieving pains that discomfort women, such as * * * backache, periodic pain, etc."; (bottle) "Feminex * * * Backache, Periodic Pain, Neuritic, * * * Etc. without bad after-effects on the heart or stomach. * * * is recommended to women and girls because of its important exclusive advantages in relieving pains such as * * * backache, periodic pain, etc."; (circular) "Feminex Relieves Pain One Woman Tells Another * * * Feminex is * * * recommended for properly relieving * * * backache, periodic pain * * * toothache, rheumatism, neuritis, etc. Dose: 1 or 2 tablets, followed by one tablet in an hour, if necessary * * * relieve pain * * * medicines-for-relieving-pain * * * 'pain relieving qualities' * * * to obtain effective results. * * * Feminex not only relieves pain * * * but actually relieves the after effect of pain * * * any pain is always followed by constipation in proportion to the severity of the pain * * * relieves the intestinal stasis (a form of constipation) always present as an after effect of pain. * * * It is recommended particularly to women and girls * * * in relieving any expected headache, backache, periodic pain, etc. which women and physicians know are the most difficult of all pains to regularly relieve without fail. The reason such pains are difficult to relieve, is that the feminine system soon and easily becomes 'tolerant' of the ordinary analgesic. That is, the medicine ceases to be effective. The cause of this intestinal stasis (a form of constipation). * * * Feminex is always effective for relieving pain. * * * for all pains * * * in relieving pain in and around the teeth. When a tooth is painful * * * for pains * * * not only relieving pain * * * but also the after effects of pain"; (tin box label) "Feminex Relieves Pain One Woman Tells Another Feminex is Recommended for * * * Periodic Pain * * * Backache Toothache—Rheumatism—Neuritis."

On August 9, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21810. Misbranding of Mineral Wells Crystals. U. S. v. 80 Cartons of Mineral Wells Crystals. Default decree of condemnation and destruction. (F. & D. no. 30567. Sample no. 41592-A.)

Examination of the drug preparation, Mineral Wells Crystals, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and in a circular shipped with the article.

On June 8, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of 80 cartons of Mineral Wells Crystals at Batavia, Iowa, alleging that the article had been shipped in interstate commerce on or about May 2, 1933, by W. E. Haist, from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of Glauber's salt (hydrated sodium sulphate), with small proportions of other salts, including magnesium, calcium, and iron carbonates and chlorides.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Carton) "Keep Healthy with Mineral Wells Crystals * * * Removes Poison from the system and relieves Rheumatism * * * Indigestion, Kidney, Liver, Blood, and Skin Diseases caused by faulty elimination * * * will cleanse the intestines promptly, clear the blood stream of poisons and neutralize acidity. Acidosis and Constipation are the Cause of Probably Ninety Per Cent of all Diseases Rebuild Your Body the Natural Way * * * If you do not receive the desired results, increase the dosage, depending entirely upon the reaction of your system"; (circular) "For the treatment of certain forms of chronic constipation, indigestion, diseases of the joints, irregularities of the liver gall duct, and bladder, sleeplessness and nervous diseases arising from faulty elimination. * * * give to you better health * * * For conditions involving the urinary organs * * * For conditions of chronic constipation, indigestion or functional diseases of the digestive tract * * * thorough elimination of all wastes * * * Chronic constipation is the forerunner of grave disorders and only by the elimination of this condition is future health assured * * * Articular Rheumatism Rheumatism in some of its many forms is susceptible to treatment by proper elimination of the bowels and kidneys and by the restoration of the functional properties of these organs a healthy condition can usually be restored and toxic conditions lessened, thus relieving many of the obscure pains and aches attributed to rheumatism—the usual dosage is 1 to 2 teaspoonfuls of Mineral Wells Crystals taken over a long period of time will in many cases entirely relieve the sufferer of this condition. The Non-Organic Diseases of the Liver It is not claimed that in organic diseases of the liver that this product gives more than passing assistance. In functional irregularities of the liver gall duct, and bladder in which there is always the complicated stomach and intestinal disturbances and judicious use of Mineral Wells Crystals often bring favorable results. Dieting is essential in most conditions involving this organ. Stomach The stomach is afflicted with practically every form of ill use and to keep this organ in a healthy shape it is necessary that careful dieting be maintained while taking Mineral Wells Crystals. Minor cases of simple indigestion or dyspepsia are quickly overcome by a few doses of the crystals but many functional diseases which arise from more obscure causes, a much longer course of treatment is required. Forms of acidosis, uricaria, and kindred complaints arising from food decomposition requires a combination of simple alkalis to treat them. Mineral Wells Crystals are of exceptional interest in these cases as they contain these alkalis in almost perfect proportion for the proper dosage and treatment. Kidney and Bladder Disorders * * * in diseases of the urinary tract * * * Insomnia * * * Many cases of insomnia are no doubt due to nervous indigestion, or irritation of the walls of the stomach and intestines and consequently the absorption of the toxins of body waste by the blood stream. Such cases are often times relieved, after thorough elimination is established by the correct and continuous use of Mineral Wells Crystal. Try a dose just before retiring."

On January 16, 1934, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21811. Misbranding of Dr. Schwind's Rose Healing Salve. U. S. v. 26 Boxes of Dr. Schwind's Rose Healing Salve. Default decree of condemnation and destruction. (F. & D. no. 30599. Sample no. 22243-A.)

Examination of the drug preparation involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 20, 1933, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 boxes of Dr. Schwind's Rose Healing Salve at Sioux Falls, S.Dak., alleging that the article had been shipped in interstate commerce on or about May 16, 1933, by the Schwind Laboratories, from Sioux City, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a lead compound incorporated in a fat.

It was alleged in substance in the libel that the article was misbranded in that the following statements, appearing on the carton and jar labels, falsely and fraudulently represented that the article was effective in the diseases and conditions named therein: (Carton) "Healing * * * it has no equal for the treatment of wounds, sores * * * infection, piles, * * * rashes, * * * frost bite, etc. * * * the affected part * * * healing * * * for Wounds, Sores, * * * piles, blood poison, boils, rashes, etc. * * * healing * * * heals wounds, sores, * * * piles, etc. * * * healing"; (jar cap) "Healing."

On September 30, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21812. Misbranding of Pyradium. U. S. v. 33 Bottles of Pyradium. Default decree of condemnation and destruction. (F. & D. no. 30716. Sample no. 42123-A.)

Examination of the drug preparation, Pyradium, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Analysis showed that the proportion of radium present was negligible so far as regards any physiologic or therapeutic effect.

On July 18, 1933, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 bottles of Pyradium at Great Falls, Mont., alleging that the article had been shipped in interstate commerce on or about July 18, 1932, by the Radium Remedies Co., from Minneapolis, Minn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of zinc sulphate, sodium chloride, boric acid, glycerin and water, flavored with peppermint oil. Examination showed that the article contained 2.6 millimicrograms of radium per cubic centimeter of solution. Bacteriological tests showed that the article was not antiseptic.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle and in a circular shipped with the article, regarding its curative and therapeutic effects, were false and fraudulent: (Carton) "Radium Preparation Pyradium Germicidal"; (bottle) "Radium Preparation Pyradim. Kill the germs"; (circular) "Pyradium for Pyorrhea. Radium Remedies Co. Pyorrhea. Pyorrhea is a gum disorder which is very treacherous because of its almost painless progress and many times it is far advanced before persons are aware of any disturbances. How to tell Pyorrhea: When your gums bleed, even a little when you brush your teeth, so that the tooth brush shows pink, Pyorrhea is undoubtedly started. If some teeth are getting loose even if they don't hurt, Pyorrhea is surely to come. Try pressing hard against the gums with your fingers. If you see some milky pus around the edge of the gums—that shows Pyorrhea. As Pyorrhea progresses, the formation of pus becomes worse and eventually may result in falling out of the teeth. A bad taste in the mouth is usually present. When Pyorrhea has reached the pus stage, absorption of this poisonous material into the system takes place, giving rise to rheumatism, stomach and intestinal disorders, anemia, eye and ear trouble, and various throat infections. To relieve Pyorrhea, you must first destroy the germs, then aid the tissues of mouth, gums and teeth back to health. Pyradium is prepared especially to do these two things and it has proven beyond question most effective in accomplishing its purpose. It is equally effective in treating the many other infections of the mouth and throat, some of which are almost as disagreeable as Pyorrhea.

Pyradium * * * was especially formulated for the treatment of Pyorrhea, Trench Mouth, and other Oral Infections. To destroy the insidious pyorrhea germs and invigorate the sluggish gum tissue, is the purpose for which Pyradium was designed and intended. Its regular use should bring satisfaction, allay and prevent infection, soothe the tender, bleeding gums and assist nature in making the gums firm and normal. The emanations given off from genuine Radium in Pyradium are stored up in the solution highly charging it, thereby making the other substances in Pyradium doubly powerful and effective due to what chemists call, 'Catalysis' * * * The almost inconceivable power of an atom of Radium explains why, Pyradium, a pyorrhea treatment containing Radium can be manufactured and sold at a price within the reach of everyone * * * This is what the radio-active treatment will do—stimulate the glandular secretions, the chemical composition of the body, eliminate the danger of the accumulation of poisons and carry us on in health and vigor over many more years than are now considered the normal span of life. The discovery of radio activity has to an extent revolutionized the theory and practice of modern medicine, for it has shown the existence of an entirely new and very efficient element or source from which healing power may be obtained and which has proven itself to be a powerful accessory in the treatment of various diseases. Numerous ailments and maladies have been treated successfully with Radium emanation. Radium has a distinct physiological effect upon the human system. Clinical and laboratory tests have absolutely proven this. There is a decided beneficial effect upon the circulation. The Radium rays carry energy into the depths of the body, vitalizing every organ and tending to make every cell in the body full of health and vitality. The Why Of Pyradium due to the tremendous power of Radium rays and the further fact that sluggish gum tissue is a factor in pyoretic conditions—although Pyradium is an astringent and powerful antiseptic, the invigorating and stimulating effect of the Alpha Rays in Radium is believed to be the major reason for the effectiveness of Pyradium. Pyradium has brought relief to thousands of people who were sufferers of Pyorrhea and is preventing many more thousands from falling prey to gum diseases. It will do the same for you if you follow carefully the directions in this little book. How To Use Pyradium * * * Dilute one-half teaspoon of Pyradium with one and one-half teaspoons water. Rinse mouth thoroughly with this solution by forcing between teeth and longer. This allows mouth and gums time to absorb the Radium emanation about gums at least three minutes and even better results will be had when held longer. This allows mouth and gums time to absorb the Radium emanation into the tissues and blood stream, and time for the other substances in the solution to penetrate. When treating Pyorrhea or other mouth infections, repeat the above use of Pyradium after morning and evening meals and at bedtime. As a preventive and to give Permanent Relief from Pyorrhea—brush teeth and gums, once daily, with Pyradium full strength. An easy and pleasant way to use is to take a few drops between lips and teeth, then brush, or apply direct to brush. This makes the gums firm * * * Pyradium used as a daily Mouth Wash to promote healthy conditions of the mouth, teeth and gums, and as an effective treatment for Bad Breath, should be diluted with 10 parts water and used after meals at least twice daily. For inflamed and Bleeding Gums, Sore Mouth, Canker Sores, Cold Sores and other Infections, or for Injury to the Gums or Mouth, and after extraction of Teeth, dilute from one part Pyradium to four parts water to full strength, as seems to suit particular conditions and use as above directed. * * * In the Pyradium treatment, patient should visit the dentist to have tartar scaled from the teeth, to have corrected any mechanical defects and to have dentist inject Pyradium full strength into pus pockets. * * * Our Iron Clad Guarantee. To those who have not previously used Pyradium, we guarantee that your money will be refunded (by us when purchased direct and by your druggist when purchased from him) if one bottle, used faithfully, according to directions, fails to give satisfaction in the treatment of Pyorrhea, Trench Mouth, bleeding gums, gum boils, or ulceration of the gums."

On September 25, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United State marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21813. Misbranding of Liberty Liniment and Cly-Tone Tonic. U. S. v. 10 Bottles of Liberty Liniment and 10 Bottles of Cly-Tone Tonic. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30786, 30787. Sample nos. 30476-A, 30477-A.)

Examination of the drug preparations involved in these cases disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings.

On July 31, 1933 the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 10 bottles of Liberty Liniment and 10 bottles of Cly-Tone Tonic at Norfolk, Va., alleging that the articles had been shipped in interstate commerce on or about May 12, and May 16, 1933, by the Clyde Collins Chemical Co., Inc., from Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part, respectively: "Cly-Tone Tonic"; "Liberty Liniment Liberty Chemical Co., Memphis, Tenn."

Analyses of samples of the articles by this Department showed that the Liberty Liniment consisted essentially of a petroleum distillate, such as kerosene, and a small proportion of methyl salicylate; and that the Cly-Tone Tonic consisted essentially of Epsom salt, extracts of plant drugs, small proportions of salicylic acid and an iron compound, and water.

It was alleged in the libels that the articles were misbranded in that the following statements regarding their curative and therapeutic effects, appearing in the labelings, were false and fraudulent: (Liberty Liniment, bottle) "The Master of Pains For relief of Pains. Such as Rheumatism * * * Toothache Lame Back Stiff and Sore Joints Sore * * * Feet"; (Liberty Liniment, carton) "The Master of Pains Such as * * * Toothaches, Stiff, Sore and Swollen Joints. Sore * * * Feet, Lame Backs and a Wonderful Relief for Rheumatism. * * * The Miracle Oil"; (Cly-Tone Tonic, bottle and carton) "Cly-Tone Tonic Made for Your Health Cly-Tone is highly indicated in the treatment of chronic Constipation, Indigestion, Blood, Stomach, Kidney and Functional Disorders of the Liver"; (carton) "Indigestion * * * first aid to health for the Stomach, Blood, Liver or Kidneys."

On January 11, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21814. Misbranding of Heal-Kwik Plaster. U. S. v. 15 Heal-Kwik Plasters. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30896. Sample no. 43348-A.)

Examination of the drug product Heal-Kwik Plaster disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 14, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 Heal-Kwik Plasters at Jamaica, Long Island, N.Y., alleging that the article had been shipped in interstate commerce on or about June 28, 1933, by Andrew J. Pontier, from Clinton, N.J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a plaster containing rosin, wax, and starch.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Label) "Heal-Kwik Plaster 'It Heals Quickly' * * * Healing Remedy For Boils, Sores, * * * & Wounds of any kind Prevents Blood Poison, Draws Inflammation Out And Then Heals Quickly"; (display cards, (1)) "Close up view Bad Shape Heal-Kwik did the trick Ten Bones Averaging Two Inches Long Were Drawn From His Leg By Heal-Kwik Plaster Heal-Kwik Plaster Saves Amputation Of Boys Leg * * * Heal-Kwik Plaster Cured Him Heal-Kwik Plaster Saves Amputation Of Boys Leg Ten Bones Averaging Two Inches Long Were Drawn From His Leg By Heal-Kwik Plaster He Used Heal-Kwik"; (2) "Heal-Kwik Plaster 'It Heals Quickly' * * * Healing Remedy For Boils, Sores, * * * & Wounds of any kind Prevents Blood Poison, Draws Inflammation Out And Then Heals Quickly For Boils * * * Use Heal-Kwik * * * Heal-Kwik

* * * Boils * * * Infections"; (3) "Heal-Kwik Plaster Saves Amputation Of Boys Leg * * * Ten Bones Averaging Two Inches Long Were Drawn From His Leg By Heal-Kwik Plaster. Heal-Kwik Plaster Saves Amputation Of Boys Leg Close Up View Of His Leg, In Bad Shape"; (4) "Heal-Kwik Plaster Saves Amputation Of Boys Leg * * * Ten Bones Averaging Two Inches Long Were Drawn From His Leg By Heal-Kwik Plaster. Heal-Kwik Saves Amputation Of Boys Leg [Testimonials] 'I wish to state on March 30th, 1933, my son, Clifford, four years of age came home out of the brush complaining of his right leg hurting him but we paid little attention to it, but the following day his leg started to swell, we then thought he may have fallen on a stone. We then called in our family doctor and he could not account for the swelling. He treated the boy for five months but the boy kept on growing worse, the poison had traveled all through the boy's system, his leg had swollen to about four times its natural size, his left arm was twice its natural size and a large abscess broke out on his face, he was in a awful condition by this time, he could not walk. The doctor then suggested taking the boy to the hospital and have his leg amputated, but my wife and I objected to having the leg amputated, and we then began using your Heal-Kwik Plasters. The plasters drew his leg and arm open and healed his arm and face in a short time, although it took about six months to heal his leg as the boy was poisoned from head to foot, and the discharge of puss from the leg was enormous. The boy is now entirely cured and can walk as good as ever. I can very conscientiously recommend your plasters to everybody, I believe they saved my boy's life.' * * * those pictures of the McClan boy, at North Haledon, Paterson, N.J. you sent me were not exactly necessary to send. As I saw this boy throughout the months he was using your plaster after the doctors had given him up, the worst I ever saw. It was after seeing him I was convinced that Heal-Kwik Plaster would cure most anything'"; (small card) "For Sore Throat Use Heal-Kwik For Boils * * * Heal-Kwik"; (circular) "Heal-Kwik * * * It Prevents Blood Poison For Boils * * * Use Heal-Kwik * * * Heal-Kwik Plaster may be used for many different purposes, Boils, Sores * * * Festerings, Bunions, Swollen Glands, Sore Throat, Ear-Ache * * * Animal Bites, Fever Sores, Etc. When running a sliver or rusty nail into the flesh apply Heal-Kwik for several days after and any parts remaining in the flesh will be drawn out * * * cut a piece of Heal-Kwik large enough to cover the wound. * * * Treat Cases As Follows: Boils: Dress boil once a day until it comes to a head. After the boil is open bathe in warm water, renewing Heal-Kwik twice a day until entirely healed. Don't squeeze a boil, Heal-Kwik will draw out the core. Blood Poison and Festerings: Bathe in warm water with pure soap twice a day, renewing Heal-Kwik each time until healed. Burns: Apply Heal-Kwik, dress burn once a day, until healed. Animal Bites: Bathe in warm water with pure soap twice a day, renewing Heal-Kwik each time until healed. Needle or Rusty Nail Infection: Bathe in warm water with pure soap, ten or fifteen minutes twice a day, renewing Heal-Kwik each time until healed. * * * Bunions, * * * Swollen Glands, Tonsillitis, Sore Throat and Earache: Apply Heal-Kwik renewing once a day, until pain is relieved. Earache is often stopped in ten or fifteen minutes by placing a piece in front and back of the ear. Pneumonia and Heavy Colds: Apply one full size Heal-Kwik Plaster on chest. Then call a doctor. Heal-Kwik will loosen pus gathered on the lungs and makes breathing easy. Change Heal-Kwik in such cases every day. * * * [Testimonials in circular] 'I have used Healkwik Plasters in my home for quite some time for all kinds of sores and only recently I cured a large tumor on my daughter's neck with them. * * * recommend Healkwik Plasters to everybody.' * * * 'Healkwik I have been using it myself for a Boil under the arm and find it very satisfactory.' * * * Heal-Kwik * * * 'A short time ago I was troubled with a siege of Boils, trying all sorts of remedies but in every instance, failed. * * * I purchased some Healkwik Plasters * * * in two days time I noticed marked improvement. I can conscientiously recommend these plasters for treatment without reservation.' * * * Cures Snake Bite And Blood Poison * * * Heal-Kwik * * * 'We had one little boy that was bit by a large snake and one little girl who had blood poison and it cured both.' * * * It Prevents Blood Poison * * * Crippled For Two Years * * * 'I was laid up for two years with swollen knees, unable to walk, tried all kinds of liniments and remedies without relief. I applied Heal-Kwik Plaster for six weeks and now can walk as good as ever thank Heavens.' * * * 'This is to testify that I used the "Healkwik" Plaster as

you suggested for an infected finger, and for a boil on my arm with remarkable results. In both cases the inflammation and puss was drawn out in a few days and in less than three weeks both sores are entirely healed.' * * * 'Heal-kwik' Plaster * * * 'I was troubled with pain in my side, sometimes hardly able to work. I used four of the plasters, and am now O. K.' * * * 'Heal-kwik' Plasters * * * a great help in every way. I've used it for my back and found great relief in a short time. I also used them for ear aches and healings.' * * * Blood Poison Testimonial * * * 'Heal-Kwik Plaster * * * It sure is the best remedy for blood-poison I know of. * * * Sores between my toes also broke out on both sides of my feet. Could hardly walk at times. * * * After using Heal-Kwik Plaster for one week I am entirely cured.' * * * Uses Heal-kwik On Hand And Finds It Wonderful * * * Heal-Kwik which I am using on my sore hand and find wonderful.' * * * Heals Running Sore * * * 'The Heal-kwik Plaster did the work. Little did I think that a running sore of twenty-five years standing could be cured in five weeks. After doctoring for 25 years, without any improvement, I can use my leg as good as ever now, and will surely recommend Heal-kwik Plaster to everyone.' * * * Cures Earache * * * 'I have tried the Heal-kwik Plaster for my little boy's earache, and must say it certainly worked wonders. I also tried it for a severe cold on the chest, and broke up the cold in a few hours.' * * * Testimonial On Blood Poison And inflammation * * * our son * * * ran a sprig from the tree in the heel of his right hand. In a short time his hand began to swell, it began to fester and inflammation and blood poison set in, causing dreadful pain. * * * applied that Heal-Kwik Plaster * * * in a few days drew out the inflammation and poison. * * * how quick the remedy worked. * * * recommend Heal-Kwik Plaster' * * * Removes Large Splinter From Hand * * * 'I had a sore finger and tried several things for nearly three weeks to get relief or cure. * * * your Heal-Kwik Plaster which I tried on my finger and the following evening a large splinter * * * came out from between the joints. * * * it has drawn a splinter from my wifes hand and the soreness from my sons foot. My son had stepped on a nail several days before and it caused a very painful sore but after applying Heal-Kwik two nights his foot is now entirely well.' * * * Heal-Kwik Removes Soreness From Leg * * * my left leg was amputated eight inches below the knee. I had been having trouble with it for the last five years. The stump being badly inflamed and draining pus and causing me terrible pain. * * * I tried your plaster for three nights and have been able to wear my leg every day since.' * * * Removes Piece Of Bone And Cures Running Sore * * * your Clerk * * * I stated to him the trouble I was having with my cheek over my cheek bone being broken and somehow a small piece of bone lodged in my cheek and caused me considerable pain and restlessness. It also caused a running sore which lasted for over one year.' * * * Heal-kwik Plaster * * * 'I don't know whether or not this plaster had any magnet in it or whether it contained teeth, but I will say that I have fully recovered from that long endured agony and pain. After several applications of the Heal-kwik Plaster a small piece of bone was withdrawn from my cheek. This was what had caused the running sore and after the removal of this small piece of bone the wound soon healed for me. * * * drawing ability.' * * * Heal-Kwik For Boils * * * 'I am starting to treat a boil with Heal-Kwik * * * it is the best remedy for boils' * * * Heals Third Degree Burn * * * 'I was burnt in a gas explosion * * * was burnt from my shoulders to my feet. I was over two-thirds burnt, and a third degree burn * * * I was treated by the very best of doctors in the Peoples Hospital * * * I was there seven months, had to lie on my stomach all the time I was there; the doctors at the hospital finally got my back healed but they could not heal my legs; I was sent home unable to walk, I was told I would never walk again. * * * My sores were then two years old when by luck I was handed some Heal-kwik Plaster; after using them for two weeks I saw some improvement and continuing using Heal-kwik Plaster for four months, and now I am healed and can walk as good as ever.' * * * Heal-Kwik Plaster * * * How Heal-Kwik Works Modern science with all its accomplishments cannot create life, nor can it place new life or build up run down conditions by adding something from the outside. Life as it is created from within, must be maintained from within, must be self-sustaining, self correcting. Science cannot add to, but it can help and aid the natural functions of life tremendously.

Just as osteopathic methods aid the muscles, tissues and cells to correct themselves, so Heal-Kwik feeds and helps the body to correct the cause of complaint. When the body is bruised or cut, millions of small body cells are killed. These must be carried away, add new cells, built up to replace the old. When the body itself fails to carry away the dead cells they decay and infection or blood poison result. Heal-Kwik is so made that it is a food and aid to those microscopic workers in the blood that expel, and rid the body of the dead cells and aids the body in the building up of the new. * * * 'Heal-Kwik plaster has been used in my office for a number of years on all kinds of sores, infection and blood poison cases with remarkable success. Can recommend Heal-Kwik to every one as a wonderful remedy' * * * Pneumonia Patient Greatly Benefited ' * * * my little girl * * * age four, became very ill with whooping cough, and broncho-pneumonia, and pleurisy set in. Her lungs filled up at one time to such an extent, that the doctor said if there was no improvement in three days, she would have to go to the hospital and have them drained. Having tried other methods to loosen the fluid in her lungs without success, I thought I would try Heal-Kwik Plaster. I placed the plasters on her chest and back on Thursday morning, and when the doctor examined her Saturday morning he said there was a big improvement in the condition of her lungs and it would not be necessary to have them drained. We certainly were thankful for this as the child was so weak from the effect of all these ailments at once that I don't believe she could have survived an operation, and she is now on the road to recovery. Two of my other children also contracted pneumonia shortly after the four year old child but I placed Heal-Kwik Plasters on their chests as soon as the symptoms of pneumonia appeared. With the result that they only had a mild attack, only lasting about 3 or 4 days. After this experience I certainly feel free to recommend Heal-Kwik Plasters for pneumonia cases to my friends.' * * * my ankle * * * settled into a ball of inflammation between the socket bone on the outside of the foot, where the heavy bone comes down the leg. I went from one doctor to another, but kept growing worse, if I walked 50 feet, my leg would swell twice its size and very painful. * * * All doctors wanted to cut the lump of fluid off, as they called it. * * * received a free sample of Heal-Kwik Plaster at my door. * * * thought I'd give it a trial, as I lost all hope of being cured. * * * I used several plasters, from April until August. When my leg went down to its normal size again * * * I can walk any distance now without any trouble again and am entirely better.'"

On October 2, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. Wilson, *Acting Secretary of Agriculture.*

21815. Misbranding of Dr. Hess Hog Special. U. S. v. Twelve 7-Pound Packages of Dr. Hess Hog Special. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30924. Sample no. 41768-A.)

Examination of the drug preparation, Dr. Hess Hog Special, discolored that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 14, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of twelve 7-pound packages of Dr. Hess Hog Special at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about May 25, 1933, by Dr. Hess & Clark, Inc., from Ashland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium chloride, ferrous sulphate, charcoal, copper sulphate, sodium nitrate, nux vomica, quassia, calcium carbonate, magnesium carbonate, and a phosphate.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and in a circular shipped with the article, regarding its curative and therapeutic effects, were false and fraudulent: (Carton) "Combats Worms (Ascarids) * * * Regularly used, Dr. Hess Hog Special keeps in the intestines vermifuges and vermicides which are constantly at work. By this principle it not only combats the adult worms present in the intestines, but also acts upon the young parasites as they are

reintroduced into the alimentary canal from the blood stream. This method of treating does not require starving or individual dosing. * * * The conditioning properties of Dr. Hess. * * *"; (circular) "Combats worms (Ascarids) * * * which also combats worms. * * * a nerve tonic, and a stimulant to the digestive system * * * Regularly used, Hog Special keeps in the intestines vermifuges and vermicides which constantly combat worms. By this principle it not only acts upon the adult worms present in the intestines, but also acts upon the young parasites as they are reintroduced into the alimentary tract."

On January 24, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21816. Misbranding of Dr. G. B. Williams' Pills. U. S. v. 147 Packages of Dr. G. B. Williams' Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31031. Sample no. 39220-A.)

Examination of the drug preparation Dr. G. B. Williams' Pills, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labels.

On September 6, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 147 packages of Dr. G. B. Williams' Pills at Tampa, Fla., alleging that the article had been shipped in interstate commerce, on or about August 7, 1933, by the Interstate Drug Co., from Quitman, Ga., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a mercury compound such as calomel, an antimony compound such as tartar emetic, podophyllum resin, and a trace of an alkaloid.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "Recommended for Biliousness * * * or any Liver disorder"; (bottle) "Recommended for * * * biliousness, and all troubles arising from inactive liver."

On January 3, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21817. Misbranding of Dunlop Pyorrhea Paste. U. S. v. 69 Tubes of Dunlop Pyorrhea Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31151. Sample no. 55766-A.)

Examination of the drug preparation Dunlop Pyorrhea Paste disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The labeling of the article represented that it contained 7 percent of alcohol and would sterilize the gums and instruments; whereas it contained less than 7 percent of alcohol, and would not sterilize the gums and instruments.

On September 26, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 tubes of Dunlop Pyorrhea Paste at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 1, 1933, by the Emme Dental Specialty Co., from St. Paul, Minn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of boric acid, glycerin, peppermint oil, water, and alcohol 3 percent by weight. Bacteriological examination showed that the product would not sterilize the gums and instruments.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, were false and misleading: (Carton) "Alcohol 7%"; (tube) "7% Alcohol"; (circular) "A quantity of the Paste is placed in a medicine dish and the instrument dipped into it before proceeding to the mouth. In the exercise of this simple expedient, we secure a sterile instrument." Misbranding was alleged for the further reason that the

following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Tube) "Pyorrhea Paste * * * For the treatment of Pyorrhea and Mouth Diseases"; (carton) "Pyorrhea Paste * * * For the Treatment of Pyorrhea and Mouth Diseases. Patients Directions: Dunlop Pyorrhea Paste is not a mere dentifrice. In Pyorrhea cases or trench-mouth, if the gums are too sore to brush, paste may be applied with the finger, rubbing lightly. Rub with up and down motion, working paste under the gum margin as well as massaging the gums. This paste may be used to great advantage in all cases of infection, applying direct to the wound. Read carefully Home Directions Inclosed. Dentists Directions: Inject paste into pyorrhea pockets * * * Pyorrhea Machine Manufacturing Company * * * Tissue Treatment for Pyorrhea and Mouth Diseases"; (circular) "Pyorrhea Paste * * * serves the purpose of dehydrating toxins * * * as a stimulant, it * * * encourages early resolution of the disease of process." Certain representations in the printed circular shipped with the article which were intended to convince the purchaser of the value of the preparation in the treatment of pyorrhea and other mouth infections were also charged to be false and fraudulent.

On November 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21818. Misbranding of Dr. Jacob Becker's Celebrated Eye-Balsam. U. S. v. 23 Packages of Dr. Jacob Becker's Celebrated Eye-Balsam. Default decree of condemnation and destruction. (F. & D. no. 31212. Sample no. 40211-A.)

Examination of the drug product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the box and carton and in a circular shipped with the article.

On October 7, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 packages of the said Dr. Jacob Becker's Celebrated Eye-Balsam at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, in part on or about September 24, 1931, by W. M. Olliffe, Inc., from New York, N.Y., and in part on or about April 14, 1933, by the Kells Co., Inc., from Newburgh, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of mercury and finely powdered sand incorporated in fat.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the box and carton and in the circular, were false and fraudulent: (Tin box cover) "Eye Balsam"; (carton) "Eye-Balsam * * * Eye-Balsam Brings Instant Relief * * * Immediate relief for Granulated Eyelids, Klieg Eye, Stys, Pink Eye, Inflamed and Sore Eyes"; (circular) "Eye-Balsam, Brings Immediate Relief for Granulated Eyelids, Klieg Eye, Stys, Sore, Weak, * * * Or Inflamed Eyes Inflammation of the eye arises from many various causes, viz., from certain diseases of the blood, which includes the painful inflammatory swellings called stys, frequently occurring on the margins of the lids, from infections following blows, contusions and wounds on the eye; from the irritation caused by foreign bodies that gain entrance under the eyelids; from exposure to bleak winds and cold, smoke, various acrid fumes, acting as chemical irritants; from the long application of strong light, or fixed attention to minute objects, etc. Directions: * * * In cases of Infants, or in weakness of the Eyes from old age * * * Eye Balsam * * * the afflicted * * * Eye Balsam This famous remedy has been used by countless sufferers of tired, weak and inflamed eyes * * * Brings immediate relief for granulated eyelids, klieg eye, stys and pink eye. [Testimonials] ' * * * since using Dr. Becker's Eye Balsam I have enjoyed the best of comfort with my eyes while before they gave me much trouble in studying my parts for the different plays not to mention the strong stage lighting.' * * * 'I have suffered with my eyes for many years * * * I was ordered to wear eye glasses by the Eye and Ear doctors of New York and they also did not help me. But with only three applications of your Dr.

Jacob Becker's Eye Balsam, which I used since last March, 1927, all my troubles stopped.' * * * 'I have used Dr. Becker's Eye Balsam to my great relief and cure and in the past 3 years I have recommended it to hundreds of my friends, and as yet I have not heard of a failure to give relief and cure some of the worst cases of eye troubles I ever saw.' [Similar statements in foreign languages]."

On December 6, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21819. Misbranding of Begy's Mustarine. U. S. v. 10 Small Packages of Begy's Mustarine. Default decree of condemnation and destruction. (F. & D. no. 31238. Sample no. 57301-A.)

Examination of the drug preparation Begy's Mustarine disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 13, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel and on November 2, 1933, an amendment to the said libel, praying seizure and condemnation of 10 small packages of "Begy's Mustarine, * * * Prepared by S. C. Wells & Company, Le Roy, N.Y." at Pittsburgh, Pa. It was alleged in the libel as amended that the article had been shipped in interstate commerce, on or about August 2, September 27, and October 5, 1933, by the Mutual Drug Co., from Cleveland, Ohio, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of an ointment with a petrolatum base, containing volatile oils including camphor, turpentine oil, sassafras oil, cajuput oil, and methyl salicylate, capsicum oleoresin, and a small proportion of ground mustard.

The libel charged that the article was misbranded in that the following statements appearing on the label, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Tin container) "For Aches and Pains, * * * Simple Sore Throat, Chest Colds, Lame Back, Stiff Joints or Muscles, Coldfeet * * * Save Suffering * * * Part Affected"; (carton) "For the Relief of Pain, Congestion, and Inflammation * * * Relieves Inflammation and Congestion"; (circular) "Stops Pain * * * Sore Throat Chest Colds Sore Throat, Chest Colds never last long when Begy's Mustarine gets on the job. * * * to relieve congestion or inflammation wherever present. * * * Chest Colds and Sore Throat never last long when Mustarine is applied. * * * Rheumatism, Backache, Lumbago Pains If you have Rheumatic Swellings or suffer from Rheumatism, Neuritis, Sciatica or Backache * * *. The Pain is speedily eased, the aches cease in a short time and swellings are reduced—sometimes in a few hours. * * * for aches and pains anywhere * * * For every ache and pain, and to get Influenza before it gets you, * * * It's the quickest Pain Killer on Earth."

On December 6, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21820. Misbranding of Begy's Mustarine. U. S. v. 26 Small Packages, et al., of Begy's Mustarine. Default decrees of condemnation and destruction. (F. & D. nos. 31239, 31240. Sample nos. 40274-A, 40275-A, 57304-A, 57305-A.)

Examination of the drug preparation Begy's Mustarine disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 13, 1933, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 146 small packages and 30 medium packages of Begy's Mustarine at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, by S. C. Wells & Co., from Leroy, N.Y., on or about August 29, 1931, November 1, 1932, and January 7, 1933, and charging violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of an ointment with a petrolatum base containing volatile

oils including camphor, turpentine oil, sassafras oil, cajeput oil and methyl salicylate, capsicum oleoresin, and a small proportion of ground mustard.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Tin container, both sizes) "For Aches and Pains, * * * Simple Sore Throat, Chest Colds, Lame Back, Stiff Joints or Muscles, Coldfeet * * * Save Suffering * * * Part Affected"; (carton, small size) "For The Relief Of Pain, Congestion And Inflammation * * * Relieves Inflammation and Congestion"; (circular, small size) "Lumbago or Neuritis * * * will stop the pain in less than twelve hours. * * * for sore throat, chest colds, * * * stiff joints or wherever there is inflammation present. * * * for inflammation and congestion"; (carton, medium size) "For The Relief Of Pain Due To Congestion And Inflammation * * * Relieves Inflammation and Congestion"; (circular, medium size) "For inflamed or congested conditions * * * affected parts * * * Common Sore Throat * * * Cold on Chest * * * very effective. Bronchitis and Asthma * * * will give great relief from an acute attack. * * * Backache, Lumbago, Stiff Neck, Chest Pains, and Gout * * * affected part * * *, Neuritis and Sciatica * * * Earache * * * Abdominal Pains, Cramps and Stomach Pains * * * part affected * * * Stiff Joints, Lameness, * * * Cold Feet."

On December 6, 1933, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21821. Misbranding of G. O. Remedy for the Relief of Gonorrhea, Pyorrhea Remedy, Hay Fever Remedy, and Itch and Eczema Remedy. U. S. v. 6 Dozen Bottles of G. O. Remedy for the Relief of Gonorrhea, et al. Default decree of condemnation and destruction. (F. & D. nos. 31267, 31268, 31269, 31270. Sample nos. 45085-A, 45086-A, 45088-A, 45089-A.)

Examination of the drug preparations involved in this case disclosed that they contained no ingredient or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 24, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 dozen bottles of G. O. Remedy for the Relief of Gonorrhea, 54 bottles of Pyorrhea Remedy, 12 dozen bottles of Hay Fever Remedy, and 12 dozen bottles of Itch and Eczema Remedy at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 31, 1933, by A. J. Holden, from Rawlins, Wyo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that they consisted essentially of extracts of plant drugs, salicylic acid, and water.

It was alleged in the libel that the articles were misbranded in that the following statements on the labels, regarding the curative and therapeutic effects of the articles, were false and fraudulent: "G. O. Remedy for the relief of Gonorrhea Directions: Inject twice a day"; "Pyorrhea Remedy for the relief of Pyorrhea, Vincents Infection, Gingivitis, Sore Gums, etc. Directions: Use three times daily as a mouth wash; do not rinse the mouth after using"; "Hay Fever Remedy for the instant relief of this ailment, Directions: Spray in the nostrils as often as required"; "Itch and Eczema Remedy for the relief of Itch and Eczema, including Psoriasis, Directions: Apply to the affected area twice daily."

On December 15, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21822. Misbranding of Acnoid No. 1 and Acnoid Special No. 2. U. S. v. 104 Jars of Sargeant's Acnoid No. 1 and 32 Jars of Sargeant's Acnoid Special No. 2. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 31281, 31282. Sample nos. 43040-A, 43041-A.)

Examination of the drug preparations involved in this case disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings.

On October 28, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 104 jars of Sargeant's Acnoid No. 1 and 32 jars of Sargeant's Acnoid Special No. 2 at New York, N.Y., alleging that the articles had been shipped in interstate commerce on or about September 1 and September 7, 1933, by the Sargeant Acnoid Pharmaceutical Co., Inc., from East Orange, N.J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Acnoid No. 1 consisted essentially of salicylic acid and small proportions of salol and camphor, incorporated in a fatty acid and petrolatum base; and that the Acnoid Special No. 2 consisted essentially of salicylic acid, zinc stearate, and small proportions of salol and camphor, incorporated in a fatty acid and petrolatum base.

It was alleged in the libel that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the articles appearing in the label were false and fraudulent: (Carton, Acnoid No. 1 (carton of Acnoid No. 2 Special substantially the same)) "If parts were badly thickened, repeat the application once every three weeks until the skin is normal. * * * An effective remedy for * * * Indurated Skin, and for the treatment of various Skin Diseases, of a germinal, microbic or a parasitic origin; as Acne, Pimples, Boils, * * * Blind Boils, * * * Lupus, Etc. * * * Directions For Skin Diseases Apply very thinly all over the skin where unhealthy conditions exist, once a week until skin is normal; (jar label, both products) "Directions For Pimples Apply thinly but evenly over the skin where unhealthy conditions exist, once a week as required"; (circular, both products) "For the treatment of various skin diseases of a germinal, microbic or parasitic origin. * * * just spread on, * * * thinly in the case of skin diseases. * * * When an application of Acnoid has been on the skin for 6 to 8 hours, * * * in the case of skin diseases wash the parts with soap and water. * * * In The Case Of Soft Corns * * * Special Directions For Skin Diseases. * * * Shoulder boils and pimples and boils on the face or on the back of the neck quickly come to a head and pass away after one light application of Acnoid. The germs in the pustules are killed and therefore cannot re-enter the pore of the skin and produce more boils, pustules or pimples as they are sure to do unless so treated. By a little judicious treatment the flesh can be entirely rid of these unsightly diseases. * * * Acnoid is a specific when used for such germinal skin diseases as Acne (from which it derives its name) Pimples, Boils, * * * Blind Boils, * * * Lupus, etc."; (circular, Acnoid Special No. 2) "Acnoid Special No. 2 specially prepared for acne and skin diseases. * * * Used For Acne And Germinal Skin Diseases. * * * It is a modification of No. 1, giving more satisfactory results in skin diseases. * * * Acnoid stimulates the healthy action of the skin * * * it causes the skin to throw off any unhealthy part whatever it be, scales, pus, germs * * *. It should be thinly applied to the skin, where unhealthy conditions exist, one to three times a week in such skin diseases as Acne, Pimples, Boils. * * * Blind Boils, * * * Lupus, etc."

On November 23, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21823. Misbranding of Cly-Tone Tonic. U. S. v. 87 Bottles of Cly-Tone Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31312. Sample no. 56257-A.)

Examination of the drug preparation, Cly-Tone Tonic, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On November 8, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 bottles of Cly-Tone Tonic at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about July 6, 1933, by L. Wilson, from Boonesville, Miss., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of Epsom salt, extracts of plant drugs, small proportions of salicylic acid and an iron compound, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Carton and bottle) "Cly-Tone Tonic Made for Your Health * * * Cly-Tone is highly indicated in the treatment of Chronic Constipation, Indigestion, blood, Stomach, Kidney and Functional Disorders of the liver. * * * Indigestion * * * Cly-Tone first aid to health for the Stomach, Blood, Liver or Kidneys"; (circular) "Cly-Tone * * * he had dizzy spells and couldn't sleep for nervousness and his appetite was gone. He became weak and shaky and had shooting pains in his back. * * * I couldn't let it run on like some do for a man has to be fit to hold this job. I was advised to take Cly-Tone. * * * I was nearly down and out. The first bottle convinced me. * * * I feel like a new man. * * * sick man. * * * my stomach went wrong. I had heavy burning pains in my stomach till I could hardly stand straight. Black spots came before my eyes. I couldn't eat or rest * * * I would be fagged out. * * * advised me to try Cly-Tone. * * * famous tonic. I took two bottles before I felt much benefit. Indigestion is the hardest thing in the world to cure. But I'm better now and I know I have the right medicine. I'm going to stick to Cly-Tone. It has saved my health. * * * with two bottles of Cly-Tone Iron Tonic made him as good a man at 60 as he was at 35 years. * * * Cly-Tone: The famous Iron and Herb Tonic. * * * sure, * * * remedy for * * * liver and kidney trouble, indigestion and stomach trouble, impure blood, weak, nervous, run down system, sleeplessness, headache, backache, and stomach ache."

On January 8, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21824. Misbranding of Tarolfectant. U. S. v. Sioux Oil Tar Disinfecting Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 31358. Sample no. 22116-A.)

Examination of the drug product, Tarolfectant, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On November 15, 1933, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sioux Oil Tar Disinfecting Co., a corporation, Sioux City, Iowa, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about March 4, 1933, from the State of Iowa into the State of Minnesota, of a quantity of Tarolfectant that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of coal tar oils.

It was alleged in the information that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article, were false and fraudulent: "Hog Flu * * * Directions for Hog Flu * * * Three treatments in nine days should make all your hogs * * * in a more healthful condition."

The information also charged a violation of the Insecticide Act of 1910 (N.J. no. 1279). On November 15, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

21825. Misbranding of PX for Personal Hygiene. U. S. v. 34 Bottles, et al., of PX For Personal Hygiene. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31545, 31546, 31551. Sample nos. 56012-A to 56017-A, incl., 37372-A.)

Examination of the drug product, PX For Personal Hygiene, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On November 7, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of thirty-six 3-ounce bottles, twelve 8-ounce bottles, and five 16-ounce bottles of PX For Personal Hygiene at Seattle, Wash. On November 10, 1933, libels were filed in the Northern District of Illinois against sixty-eight 3-ounce bottles, one hundred and sixty-four 8-ounce bottles, and forty-seven 16-ounce bottles of the product at Chicago, Ill.

It was alleged in the libels that the article had been shipped in interstate commerce by the P.X. Products Co.; that portions of the product had been shipped on or about September 15, 1933, from Detroit, Mich., into the State of Illinois; that the remainder had been shipped on or about October 12, 1933, from Los Angeles, Calif., into the State of Washington, and that the article was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of zinc chloride, sodium chloride, ammonium alum, and water.

The libels charged that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Bottle label) "Healing * * * Leucorrhea * * * Skin Affections—Eczema, Pimples, Rashes * * * For Boils * * * Pus-Exuding Sores (Infections)"; (carton) "Healing agent * * * Infection * * * sores * * * Eczema, Pimples, certain other Skin Affections"; (circular) "Pimples, Acne, Boils * * * Eczema * * * amazingly quickens clearing-up and healing. Infections For Discharging sores * * * prevents infection * * * heals * * * for safety from infection * * * Sore Throat And Tonsilitis * * * Pyorrhea * * * Trench Mouth * * * Leucorrhea Extreme and long-standing conditions should be discussed with your physician. In average cases, immediate benefit will be found in the following use of PX. * * * In stubborn cases * * * found to be a prompt corrective agent"; (leaflet accompanying portions of the article) "Try P.X. for any skin infection You will Marvel at the Results."

On December 20, 1933, and January 9, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

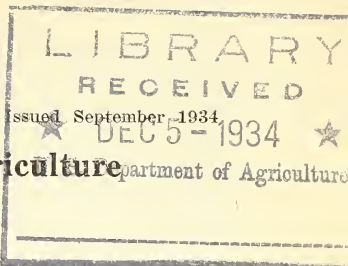
INDEX TO NOTICES OF JUDGMENT 21776-21825

	N.J. No.		N. J. No.
Acetphenetidin:	21779	Hess, Dr., Hog Special:	21815
Monsanto Chemical Works---		Hess, Dr., & Clark, Inc.-----	
Ammonia, aromatic spirits:		Hyssop Compound:	21785
Hance Bros. & White, Inc.---	21806	Hyssop Medicine Co.-----	
LeCroy, John, & Son.-----	21788	Ipecac, fluidextract:	
Aspirin tablets:		Hance Bros. & White, Inc.---	21806
Hick, C. M.-----	21790	Itch and Eczema Remedy:	
Hick, Charles M., & Co.-----	21790	Holden, A. J.-----	21821
Aspiral:		Koch's, Dr., Cold and Grip Tablets:	
Hick, C. M.-----	21791	Koch, Dr., Vegetable Tea Co.---	21804
Hick, Charles M., & Co.-----	21791	Mentholene Ointment:	
B. & M.:		Koch, Dr., Vegetable Tea Co.---	21804
Mutual Drug Co.-----	21776	Mustard Ointment:	
Rollins, F. E., Co.-----	21776	Koch, Dr., Vegetable Tea Co.---	21804
External Remedy:		Rotatum Healing Salve:	
Mutual Drug Co.-----	21776	Koch, Dr., Vegetable Tea Co.---	21804
National Remedy Co.-----	21776	Sept-O-Cide:	
Rollins, F. E., Co.-----	21776	Koch, Dr., Vegetable Tea Co.---	21804
Sargent, G. F.-----	21776	Vegetable Family Tea:	
Becker, Dr. Jacob, Celebrated Eye		Koch, Dr., Vegetable Tea Co.---	21804
Balsam:		Liberty Liniment:	
Kells Co., Inc.-----	21818	Collins, Clyde, Chemical Co.,	
Olliffe, W. M., Inc.-----	21818	Inc.-----	21813
Begy's Mustarine:		Liberty Chemical Co.-----	21813
Mutual Drug Co.-----	21819	McMahon's Solution of Calcium Cre-	
Wells, S. C., & Co.-----	21819, 21820	sote:	
Belladonna, tincture:		McMahon's Manufacturing	
Hance Bros. & White, Inc.---	21806	Co.-----	21794
National Pharmaceutical		Mineral Wells Crystals:	
Manufacturing Co.-----	21796	Haist, W. E.-----	21810
Ulman, Bernard.-----	21796	Mixer's Cancer and Scrofula Syrup:	
Bron-Co Capsules:		Mixer Medicine Co.-----	21800
Pacific Laboratories, Inc.---	21780	National Antacid Powder:	
Camphor, spirits of:		National Drug Co.-----	21808
Le Croy, John, & Son.-----	21788	Nestor Emulsion of Cod Liver Oil:	
Cascarets, candy cathartic:		Loeser, Julius.-----	21795
Sterling Products, Inc.-----	21793	Nestor Drug & Chemical Co.---	21795
chocolate flavor:		Nomoppin:	
Sterling Products Co., Inc.---	21777	McMillan Drug Co.-----	21799
Cinchophen tablets:		O. K. Magnesium Mineral Water:	
National Drug Co.-----	21808	O. K. Mineral Water Co.-----	21792
Cly-Tone Tonic:		Schmidt, W. E.-----	21792
Collins, Clyde, Chemical Co.,		Ora-Noid Mouth Powder:	
Inc.-----	21813	Ora-Noid Co.-----	21803
Wilson, L.-----	21823	Ormovin Wine of Cod Liver Extract	
Codeine sulphate tablets:		with Malt, Wild Cherry, and Hy-	
National Drug Co.-----	21808	pophosphites:	
Dunlop Pyorrhea Paste:		Ormont Drug & Chemical Co.,	
Emme Dental Specialty Co.---	21817	Inc.-----	21789
Elixir three bromides:		Pabst's, O. K. Specific:	
Hance Bros. & White, Inc.---	21806	Pabst Chemical Co.-----	21802
Epsom salt tablets:		Pabst, Fridolin.-----	21802
Hick, C. M.-----	21790	Phenlin Oris:	
Hick, Charles M., & Co.-----	21790	Wood, John H., Co.-----	21781
FemineX:		Primley's Extract of Sarsaparilla:	
Drug Store Products, Inc.---	21809	McKesson-Churchill Drug Co.---	21784
Giles' Germicide:		PX for Personal Hygiene:	
Giles Remedy Co.-----	21787	P. X. Products Co.-----	21825
Giles, S. F.-----	21787	Pyorrhea Remedy:	
G. O. Remedy for the Relief of		Holden, A. J.-----	21821
Gonorrhea:		Pyradium:	
Holden, A. J.-----	21821	Radium Remedies Co.-----	21812
Hart's Swedish Asthma and Hay		Pyroligneous Compound No. 1:	
Fever Medicine:		Tilton Laboratories.-----	21801
Hart's Swedish Asthma Medi-		Tilton, Lester.-----	21801
cine Co.-----	21783	No. 2:	
Hay Fever Remedy:		Tilton Laboratories.-----	21801
Holden, A. J.-----	21821	Tilton, Lester.-----	21801
Heal-Kwik Plaster:		Rabbit Supto:	
Pontier, A. J.-----	21814	Supto Manufacturing Co.-----	21798
Healing Ointment:		Red Heart Blood Tabs:	
Tilton Laboratories.-----	21801	Reese Chemical Co.-----	21786
Tilton, Lester.-----	21801		

¹ Contains instructions to the jury.

² Contains a decision of the court.

	N. J. No.		N. J. No.
Biggs'-O-Dean Mouth Wash:		Tarolfectant:	
Platt, Isaac-----	21797	Sioux Oil Tar Disinfecting Co--	21824
Biggs'-O-Dean Products, Inc--	21797	Thor's Vitamin Compound:	
Sargeant's Acnoid No. 1:		Thor Pharmacal Co-----	21805
Sargeant Acnoid Pharmaceu-		Tru-Aspingum:	
tical Co., Inc-----	21822	Tru-Lax Manufacturing Co--	21782
Special No. 2:		Tru-Koff-Ade:	
Sargeant Acnoid Pharmaceu-		Tru-Lax Manufacturing Co--	21782
tical Co., Inc-----	21822	Vitalitea:	
Schultz Liquid-Tone:		Vitalitea Co-----	21778
Schultz Chemical Co-----	21807	We-No-Nah Poultry Tonic:	
Schultz, F. H-----	21807	Koch, Dr., Vegetable Tea Co_	21804
Schwind's, Dr., Rose Healing Salve:		Williams', Dr. G. B., Pills:	
Schwind Laboratories-----	21811	Interstate Drug Co-----	21816
Sodium phosphate, granular efferves-			
cent:			
Hance Bros. & White, Inc----	21806		



United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

21826-21975

[Approved by the Acting Secretary of Agriculture, Washington, D.C., August 31, 1934]

21826. Misbranding of canned cherries. U. S. v. 70 Cases of Canned Cherries. Default decree of destruction. (F. & D. no. 29912. Sample no. 28119-A.)

This case involved an interstate shipment of canned cherries which were packed in a solution containing insufficient sugar to bring the liquid portion up to the standard prescribed by this Department and which were not labeled to indicate that they were substandard.

On March 12, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 cases of canned cherries at Lubbock, Tex., alleging that the article had been shipped in interstate commerce on or about October 3, 1932, by the Ray-Maling Co., from Portland, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Ray-Brook Brand Red Sour Pitted Cherries * * * Packed by Ray-Maling Co., Inc., Kitchens, Hillsboro, Oregon."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such product, because it was water-packed, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On July 26, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21827. Adulteration and misbranding of prepared mustard. U. S. v. 188 Cases of Prepared Mustard. Default decree of condemnation and destruction. (F. & D. nos. 30047, 30048. Sample no. 28925-A.)

This case involved an interstate shipment of prepared mustard that was found to contain added mustard bran. Sample jars taken from the shipment were found to contain less than 2 pounds, the labeled weight.

On April 5, 1933, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 188 cases of prepared mustard at Chanute, Kans., alleging that the article had been shipped in interstate commerce on or about October 10, 1932, by the Mid-West Food Packers, Inc., from Fowlerton, Ind., and charging misbranding in violation of the Food and Drugs Act as amended. On May 15, 1933, the libel was amended to include an adulteration charge and further misbranding charges. The article was labeled in part: "Prepared Mustard Contents two lbs."

It was alleged in the libel as amended that the article was adulterated in that mustard bran had been substituted in part for the article.

Misbranding was alleged for the reason that the statements, "Prepared Mustard Contents two lbs.", were false and misleading and deceived and misled the purchaser when applied to a product that contained added mustard bran and was short weight. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 27, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21828. Adulteration and misbranding of butter. U. S. v. Reginald J. Smith (Scales Mound Creamery). Plea of guilty. Fine, \$50. (F. & D. no. 30200. Sample nos. 2682-A, 2683-A, 2684-A.)

This case was based on interstate shipments of several lots of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress. One of the lots failed to bear a statement on the packages of the quantity of the contents.

On July 10, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Reginald J. Smith, trading as the Scales Mound Creamery, Scales Mound, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about July 5, 1932, from the State of Illinois into the State of Iowa, of quantities of butter which was adulterated and portions of which were also misbranded. One lot of the article was labeled in part: "Scales Mound Creamery, R. J. Smith, Prop. Scales Mound Illinois Scales Mound Superior Brand Butter." One lot was labeled in part: "Butter Made * * * By Scales Mound Cry. Scales Mound, Ill." One lot was unlabeled, and one lot consisted of tub butter labeled: "Net Weight 63 Lbs."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged with respect to the portions of the article labeled, "Butter", for the reason that the statement, "Butter", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which must contain not less than 80 percent by weight of milk fat, whereas it was not. Misbranding was alleged with respect to the unlabeled lot of the product for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 15, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21829. Adulteration of frozen eggs. U. S. Emulsol Corporation. Plea of guilty. Fine, \$25. (F. & D. no. 30204. Sample no. 11901-A.)

This case was based on an interstate shipment of frozen eggs that were found to be in part decomposed.

On July 10, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Emulsol Corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 3, 1931, from the State of Illinois into the State of Ohio, and reshipment from the State of Ohio into the State of New York, of a quantity of frozen eggs that were adulterated. The article was labeled in part: (Tag on can) "Emulsol—M. * * * A Superior Emulsifying Agent For Baking * * * The Emulsol Corporation. * * * Chicago."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed, putrid, and filthy animal substance.

On December 15, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21830. Misbranding of cottonseed screenings. U. S. v. Transit Milling Co. Plea of guilty. Fine, \$5. (F. & D. no. 30226. Sample no. 19810-A.)

This case was based on a shipment of cottonseed screenings, samples of which were found to contain less than 43 percent of protein, the amount declared on the label.

On July 17, 1933, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Transit Milling Co., a corporation, Sherman, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 19, 1932, from the State of Texas into the State of Kansas, of a quantity of cottonseed screenings that was misbranded. The article was labeled in part: (Tag) "K.C. Brand Cake and Meal Guaranteed Analysis Protein, not less than 43% Manufactured for Kansas City Cake and Meal Co * * * Kansas City Mo."

It was alleged in the information that the article was misbranded in that the statement, "Guaranteed Analysis Protein not less than 43%", was false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent protein.

On November 28, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*

21831. Adulteration and misbranding of butter. U. S. v. Roy Stovall (Spur Creamery). Plea of guilty. Fine, \$25. (F. & D. no. 30261. Sample no. 21507-A.)

This case involved a shipment of butter, samples of which were found to be low in milk fat and to be short weight.

On October 26, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Roy Stovall, trading as Spur Creamery, Spur, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 7, 1933, from the State of Texas into the State of New York, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: (Carton) "Best Butter C.B.L. is made from selected Pasteurized Cream. * * * One Pound Net."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements, "Butter", "One Pound Net", on the labels were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not butter, in that it contained less than 80 percent of milk fat, and the cartons contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than declared.

On December 14, 1933, the defendant entered a plea of guilty, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21832. Adulteration of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$75 and costs. (F. & D. no. 30263. Sample nos. 3257-A, 3268-A.)

This case was based on interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On September 16, 1933, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation, trading at Salina, Kans., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 13 and June 14, 1932, from the State of Kansas into the State of Illinois, of quantities of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923, which the article purported to be.

On November 3, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21833. Adulteration of butter. U. S. v. Lakota Creamery Co. Plea of guilty. Fine, \$10. (F. & D. no. 30267. Sample no. 31524-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On September 27, 1933, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lakota Creamery Co., a corporation, Lakota, N.Dak., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 17, 1933, from the State of North Dakota into the State of New York, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On October 27, 1933, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

21834. Adulteration and misbranding of butter. U. S. v. Lower Columbia Cooperative Dairy Association. Plea of guilty. Fine, \$100. (F. & D. no. 30268. Sample nos. 30698-A, 31144-A.)

This case involved two shipments of butter, one of which was found to contain less than 80 percent by weight of milk fat, and the other of which was found to be short weight.

On September 21, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lower Columbia Cooperative Dairy Association, a corporation, Astoria, Oreg., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 20 and February 21, 1933, from the State of Oregon into the State of Washington, of quantities of butter a portion of which was adulterated and misbranded and the remainder of which was misbranded. One lot was labeled in part: "Shamrock Butter * * * Manufactured by Lower Columbia Cooperative Dairy Association"; the other lot was labeled in part: "Golden Rod Butter One Pound."

The information charged adulteration of one shipment of the article in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding of the said shipment was alleged for the reason that the statement, "Butter", was false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 80 percent by weight of milk fat, the standard for butter established by law. Misbranding of the remaining shipment was alleged for the reason that the statement, "One Pound", borne on the prints, was false and misleading, for the further reason that the article was labeled so as to deceive and mislead the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since each of a number of packages contained less than 1 pound, the declared weight.

On December 5, 1933, the defendant company entered a plea of guilty to the information, and the court imposed a total fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21835. Adulteration of butter. U. S. v. Floydada Creamery, Inc. Plea of guilty. Fine, \$25. (F. & D. no. 30275. Sample nos. 4227-A, 12263-A.)

This case was based on interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about November 13, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Floydada Creamery, Inc., Floydada, Tex., alleging shipment by said company in violation of the Food and Drugs

Act, on or about August 3 and August 23, 1932, from the State of Texas into the State of Illinois, of quantities of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On December 15, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21836. Adulteration of butter. U. S. v. Mount Angel Cooperative Creamery. Plea of guilty. Fine, \$50. (F. & D. no. 30282. Sample no. 14505-A.)

This case was based on interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On December 1, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mount Angel Cooperative Creamery, a corporation, Mount Angel, Oreg., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 28 and May 31, 1932, from the State of Oregon into the State of California, of quantities of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, in that it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On December 1, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21837. Adulteration and misbranding of canned mushrooms. U. S. v. Kennett Square Mushroom Co., Inc. Plea of guilty. Fine, \$75. F. & D. no. 30331. Sample nos. 9535-A, 9536-A, 10933-A.)

This case was based on interstate shipments of a product which was represented to be canned whole mushrooms but which was found to contain a greater proportion of stems than is normal to whole mushrooms.

On November 24, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kennett Square Mushroom Co., Inc., West Chester, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 16 and February 22, 1932, from the State of Pennsylvania into the State of New York, and on or about April 16, 1932, from the State of Pennsylvania into the State of Massachusetts, of quantities of canned mushrooms that were adulterated and misbranded. The article was labeled in part: "Kennett Cultivated Mushrooms Hotels Kennett Canning Co., Kennett Square, Pa."

It was alleged in the information that the article was adulterated in that a substance, pieces of mushroom stems in excess of the natural and normal proportion of stems contained in a product made from complete units of whole mushrooms, had been substituted in part for the article.

Misbranding was alleged for the reason that the statement, "Mushrooms", and the design of whole mushrooms, borne on the label, were false and misleading and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, in that they represented that the article was a product made from whole mushrooms containing the normal proportion of stems and caps, whereas it contained excessive stems.

On December 11, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

M. L. WILSON, *Acting Secretary of Agriculture.*

21838. Adulteration of apples. U. S. v. 153 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30435. Sample no. 18456-A.)

This case involved the shipment of a quantity of apples, examination of which showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On February 24, 1933, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 153 boxes of apples at Temple, Tex., alleging that the article had been shipped in interstate commerce on or about January 31, 1933, by the Wenatchee District Cooperative Association, from Wenatchee, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, to wit, arsenic and lead, which might have rendered it harmful to health.

On November 15, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21839. Misbranding of olive oil. U. S. v. 16 Cans of Olive Oil. Default decree of condemnation and sale. (F. & D. no. 30667. Sample no. 32036-A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the declared volume.

On or about June 30, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cans of olive oil at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about April 14, 1933, by T. Draganí & Co., from Boston, Mass., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "One Gallon Liguria Brand Pure Olive Oil Liguria Olive Oil Company."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Gallon", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On December 7, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be sold by the United States marshal, that the oil be emptied into unmarked receptacles, that the original containers be destroyed, and that it should not be resold by the purchaser.

M. L. WILSON, *Acting Secretary of Agriculture.*

21840. Misbranding of sirup. U. S. v. 398 Cases of Sirup. Product adjudged misbranded; released under bond to be brought into compliance with the law. (F. & D. no. 30756. Sample nos. 46525-A, 46526-A, 46527-A.)

Sample cans of sirup taken from each of the three shipments involved in this case were found to contain less than the labeled volume.

On or about August 2, 1933, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 398 cases of sirup at Houston, Tex., alleging that the article had been shipped in interstate commerce in various lots on or about April 24, April 26, and June 23, 1933, by James T. Mary, from Lafayette, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Larrapin Brand Pure Sugar Cane Syrup * * * Contains 3 Quarts 8 Fl. Ozs." and "Old Mary's Brand Louisiana Pure Cane Syrup * * * 3 Qts. 8 Fld. Ozs."

It was alleged in the libel that the article was misbranded in that the statement on the labels as to the weight of the contents was false and misleading. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 10, 1933, James T. Mary having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered finding the product misbranded and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of

\$500, conditioned that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21841. Adulteration of dried peaches. U. S. v. 100 Cases of Dried Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30765. Sample no. 23391-A.)

This case involved a shipment of dried peaches that were found to be insect-infested and to contain live Indian meal moth larvae.

On July 24, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of dried peaches at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about July 11, 1933, by the Cured Fruit Association of California, a subsidiary of Rosenberg Bros. & Co., from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "California choice recleanned Muir Peaches Cured Fruit Association of California, San Francisco, Calif."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On January 2, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21842. Misbranding of canned salmon. U. S. v. 194 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 30815. Sample no. 34650-A.)

This case involved a shipment of a product labeled to convey the impression that it was fancy red salmon, but which consisted of coho salmon, a lower grade than red salmon.

On August 3, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 194 cases of canned salmon at Buffalo, N.Y., alleging that the article had been shipped in interstate commerce on or about April 10, 1933, by McGovern & McGovern, from Astoria, Oreg., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Blossom Time Brand Salmon Natural Red Color Fancy Cutlet * * * Distributed by McGovern & McGovern."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Naural Red Color Cutlet Salmon", was false and misleading and deceived and misled the purchaser, since it created the impression that the article was red salmon rather than the lower grade coho salmon.

On November 13, 1933, McGovern & McGovern having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21843. Adulteration and misbranding of salad oil. U. S. v. 19 Cans of Salad Oil, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31025, 31027, 31192, 31286. Sample nos. 43647-A, 43649-A, 51303-A, 51326-A.)

These cases involved interstate shipments of a product which was labeled to convey the impression that it was imported olive oil, and which was found to consist chiefly of cottonseed oil with a small amount of olive oil. Sample cans taken from certain of the lots were found to contain less than 1 gallon, the volume declared on the labels.

On August 30 and October 27, 1933, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 95 cans of salad oil, in part at Hoboken, N.J., and in part at Newark, N.J., alleging that the article had been shipped in interstate commerce between July 17, 1933, and October 9, 1933, by the Delizia Olive Oil Co., from New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act

as amended. The article was labeled in part: "One Gallon Net * * * La Deliziosa Brand" or "Farfariello Brand."

It was alleged in the libels that the article was adulterated in that cottonseed oil had been substituted wholly or in part for it. Adulteration was alleged with respect to portions of the article for the further reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged with respect to the Deliziosa brand for the reason that the statements, "Olio Finissimo Garantito La Deliziosa Brand Premiato All' Esposizione di Roma 1924, Italia", "Olio Finissimo La Delioza Brand Premiato All' Esposizione di Roma 1924", and designs of an olive branch and design of medal bearing the picture of the King of Italy, appearing on the can label, were false and misleading and deceived and misled the purchaser when applied to a product consisting essentially of domestic cottonseed oil. Misbranding was alleged with respect to the Farfariella brand oil for the reason that the statements, "Olio Extra Fino Garantito Farfariello", "Olio Fino", "Delizia Olive Oil Inc., Premiato All' Esposizione Di Roma 1924 Italia", and the design of leaves suggesting olive leaves on the can label were misleading, since they created the impression that the article was imported olive oil, whereas it consisted essentially of cottonseed oil of domestic origin. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so. Misbranding was alleged with respect to portions of the article for the further reason that the statement, "One Gallon Net", was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of weight was incorrect.

On October 26, November 1, and December 21, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21844. Adulteration and misbranding of maple sirup and misbranding of maple sugar. U. S. v. Twelve 10-Pound Pails of Maple Sugar, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31161, 31162. Sample nos. 48979-A, 48980-A, 48989-A.)

These cases involved shipments of a lot of maple sugar that was not labeled with a statement of the quantity of the contents, and of a lot of maple sirup in which the statement was not plain and conspicuous since it was embossed on the can and was not on the same side of the can as the label. Samples taken from the maple sirup were found to be sour and fermenting.

On September 30, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of twelve 10-pound pails and eleven 5-pound pails of maple sugar, and one hundred and seventy-five 1-gallon cans of maple sirup, at Seattle, Wash., alleging that the articles had been shipped in interstate commerce in part on or about April 25, 1933, and in part on or about June 27, 1933, by Frank Lucas, from Potsdam, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Pure Maple Sugar Made By Sumner Lucas Parishville, New York" and "Pure Maple Syrup Made by Frank Lucas, Parishville, N.Y."

It was alleged in the libel filed with respect to the maple sirup that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

Misbranding was alleged with respect to both products for the reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 30 and November 9, 1933, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21245. Adulteration of huckleberries. U. S. v. 35 Crates of Huckleberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31169. Sample no. 40271-A.)

This case involved an interstate shipment of huckleberries that were found to contain maggots.

On September 20, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 crates of huckleberries at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 31, 1933, by the Meyers Weil Co., from Cleveland, Ohio, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid substance.

On December 6, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21846. Adulteration of canned shrimp. U. S. v. 100 Cartons of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31218. Sample no. 46856-A.)

This case involved a shipment of canned shrimp, samples of which were found to be decomposed.

On October 7, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cartons of shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 12, 1933, by the Burgess-Humphreys Canning Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part "Pirate Brand * * * Shrimp * * * Packed by Burgess-Humphreys Canning Co., Inc, New Orleans, La."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 4, 1934, the Burgess-Humphreys Canning Co., Inc., having entered an appearance solely for the purpose of procuring samples, and no other party having intervened, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21847. Misbranding of mayonnaise. U. S. v. 49 Dozen Jars, et al., of Mayonnaise. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 31222, 31223, 31224. Sample nos. 55594-A, 55595-A, 55597-A, 55598-A.)

These cases involved interstate shipments of mayonnaise that was not properly labeled to indicate the quantity of the contents, since the statements were ambiguous, and in most lots shortages were found whether the statement was interpreted in terms of weight or liquid measure.

On October 10, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 78 dozen jars of mayonnaise at Atlantic City, N.J., alleging that the article had been shipped in various consignments on or about April 13, August 20, and August 22, 1933, by the Bronson Mayonnaise Manufacturing Co., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part, variously: "Cont. 8 ozs. J. D. W. Brand Mayonnaise"; "Cont. 8 ozs. Rose-Marie Brand Mayonnaise Packed for C. G. Incorporated Atlantic City, N.J."; "Jay and Ess Brand Cont. 8 ozs. [or "16 Ozs." or "32 ozs."] Mayonnaise."

It was alleged in the libels that the article was misbranded in that the statements on the labels, "8 ozs.", "16 ozs.", and "32 ozs.", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were ambiguous, and since the

product in most lots was short of the declared quantity whether the statement was construed on the basis of weight or on the basis of volume, and since the product in one of the lots was invoiced as containing 1-pint jars and was packed in jars meant to hold 1 pint, although the label read "Cont. 8 ozs."

On January 31, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21848. Adulteration of dried peaches. U. S. v. 100 Cases and 25 Cases of Dried Peaches. Default decrees of condemnation and destruction. (F. & D. nos. 31233, 31234. Sample nos. 44480-A, 44481-A.)

These cases involved interstate shipments of dried peaches that were insect-infested and filthy.

On October 13, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 125 cases of dried peaches at Altoona, Pa., alleging that the article had been shipped in interstate commerce, on or about September 15, 1933, by the California Prune & Apricot Growers Association, of San Jose, Calif., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 29, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21849. Adulteration of dates. U. S. v. 40 Cartons of Dates. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31248. Sample no. 61427-A.)

This case involved a shipment of dates that were found to be insect-infested.

On October 18, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cartons of dates at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about September 29, 1933, from New York, N.Y., having been consigned by Capitol Candied Nuts, Inc., New York, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sugar Rolled Dates Capitol Candied Nuts Inc."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21850. Adulteration of canned shrimp. U. S. v. 106 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31258. Sample no. 54726-A.)

This case involved a shipment of canned shrimp that was in part decomposed.

On October 24, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 106 cases of canned shrimp at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about September 20, 1933, by James Fenwick & Co., from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cases) "Gulf's Best Brand Shrimp * * * Packed by Deer Island Fish & Oyster Co., Biloxi, Miss."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On December 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21851. Adulteration of canned shrimp. U. S. v. 1,000 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 31274. Sample no. 46879-A.)

This case involved a shipment of canned shrimp identified by various codes. Samples taken from certain codes were found to be decomposed.

On October 31, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,000 cases of canned shrimp at Boston, Mass., alleging that the article had been shipped in interstate commerce by the Dorgan-McPhillips Packing Corporation, of Mobile, Ala., from New Orleans, La., on or about October 19, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Sun Set Brand Fancy Large Shrimp * * * Packed by Dorgan-McPhillips Packing Corp., Mobile, Ala."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On December 28, 1933, the Dorgan-McPhillips Packing Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act. It was further ordered that the decomposed portions be destroyed under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21852. Adulteration of canned shrimp. U. S. v. 564 Cartons, et al., of Canned Shrimp. Consent decrees of condemnation. Product released under bond for segregation and destruction of unfit portions. (F. & D. nos. 31291, 31592, 31596, 31606 to 31610 incl., 31665 to 31669 incl., 31680. Sample nos. 49992-A, 49995-A, 49996-A, 49997-A, 59946-A, 59947-A, 59948-A, 60044-A, 62665-A, 62666-A, 62667-A, 62709-A, 62710-A, 62711-A.)

These cases involved various interstate shipments of canned shrimp that was found to be in part decomposed.

On October 30, November 15, November 17, December 4, and December 5, 1933, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,058 cases and cartons of canned shrimp at Buffalo, N.Y., alleging that the article had been shipped in interstate commerce between the dates of August 18 and September 18, 1933, by the Southern Shellfish Co., Inc., from Harvey, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Palm Brand Shrimp * * * Packed by Southern Shellfish Co. Inc. Harvey La."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

On December 5, 1933, and January 19, 1934, the Southern Shellfish Co. Inc., claimant, having consented to the entry of decrees and the destruction of the decomposed portions, judgments of condemnation were entered, and it was ordered by the court that the product be delivered to the claimant upon payment of costs and the execution of bonds in the total sum of \$8,203.84, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act and all other laws. The decrees further ordered that, subject to inspection and approval by this Department, the portions found wholesome and fit for human consumption be released.

M. L. WILSON, *Acting Secretary of Agriculture.*

21853. Adulteration of canned tomato puree. U. S. v. 624 Cases and 1,715 Cases of Tomato Puree. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31300, 31656. Sample nos. 55522-A, 58670-A, 58671-A.)

These cases involved interstate shipments of canned tomato puree, samples of which were found to contain maggots and excessive mold.

On November 9 and December 1, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,339 cases of canned tomato puree at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce in various shipments between October 12 and October 24, 1933, by the Clarksville Canning Co., from Clarksville, Tenn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On January 3 and 4, 1934, the Clarksville Canning Co. having entered an appearance in the case filed November 9, 1933, solely for the purpose of taking samples, and no other party having intervened, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21854. Adulteration of dried grapes. U. S. v. 15 Boxes of Dried Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31309. Sample no. 45322-A.)

This case involved an interstate shipment of dried grapes that were found to contain insect excreta.

On November 1, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 boxes of dried grapes at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about October 23, 1933, by the Lion Packing Co., from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Seinfandel Selected California Dried Black Grapes Lion Brand."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On January 2, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21855. Adulteration of candy pops. U. S. v. Crystal Pure Candy Co. Plea of guilty. Fine, \$25. (F. & D. no. 31332. Sample no. 15721-A.)

This case was based on an interstate shipment of candy that was found to contain fine particles of wire.

On November 29, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Crystal Pure Candy Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 26, 1932, from the State of Illinois into the State of Missouri, of a quantity of candy which was adulterated. The article was labeled in part: "Marble Pops Assorted Flavors Mfd. By Crystal Pure Candy Co. Chicago."

It was alleged in the information that the article was adulterated in that it contained fine particles of wire, which were deleterious and detrimental to health.

On January 9, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21856. Adulteration of oranges. U. S. v. 118 Boxes of Oranges. Default decree of forfeiture and destruction. (F. & D. no. 31538. Sample no. 47185-A.)

This case involved a shipment of oranges in which marked dryness was found in a large percentage of the fruit.

On October 23, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 118 boxes of oranges at Boston, Mass., consigned about October 10, 1933, alleging that the article had been shipped in interstate commerce by the Western Fruit Growers, Inc., from Anaheim, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Jewel * * * Western Fruit Growers, Inc., California."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On November 15, 1933, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21857. Adulteration and misbranding of feeding oatmeal. U. S. v. 66 Bags of Feeding Oatmeal. Default decree of forfeiture and destruction. (F. & D. no. 31556. Sample no. 19276-A.)

This case involved a shipment of a product which was represented to be oatmeal but which was found to consist in part of corn and to contain less protein and fat and more fiber than declared on the label.

On November 8, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 bags of feeding oatmeal at Taunton, Mass., alleging that the article had been shipped on or about July 4, 1933, by J. A. Forest, from Fort William, Ontario, Canada, into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Alpine Ground Feeding Oatmeal."

It was alleged in the libel that the article was adulterated in that a substance, corn, had been substituted in whole or in part for it.

Misbranding was alleged for the reason that the statements, "Oatmeal", "Minimum Protein 14.00% Minimum Fat 5.00%, Maximum Fibre 3.90", on the bag, and the statements, "Oatmeal", "Protein 14% Fat 5% Fibre not over 3.90%", on the tag, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was sold under the distinctive name of another article.

On December 6, 1933, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

21858. Adulteration of canned shrimp. U. S. v. 44 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31557. Sample no. 43597-A.)

This case involved a shipment of canned shrimp, samples of which were found to be decomposed.

On November 9, 1933, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 cases of canned shrimp at Albany, N.Y., alleging that the article had been shipped in interstate commerce on or about October 7, 1933, by the C. B. Foster Packing Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Miss-Lou Brand Shrimp * * * Packed by C. B. Foster Packing Co., Inc., Biloxi, Miss."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On December 22, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

21859. Adulteration of canned shrimp. U. S. v. 783 Cases and 803 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31563. Sample nos. 44974-A, 44775-A.)

This case involved an interstate shipment of canned shrimp, variously coded. Samples taken from certain of the codes were found to be decomposed.

On November 8, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,586 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 11, 1933, by the Anticich Packing Co., Inc., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "American Beauty Shrimp."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 5, 1934, the Anticich Packing Co., Inc., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$6,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act.

M. L. WILSON, Acting Secretary of Agriculture.

21860. Adulteration of dried mixed fruit. U. S. v. 15 Cases, et al., of Dried Mixed Fruit. Default decrees of condemnation and destruction. (F. & D. nos. 31575, 31576, 31577. Sample no. 51622-A.)

These cases involved a shipment of dried mixed fruit that included dried pears. Examination showed that the pears were contaminated by filth from insects or rodents.

On November 15, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 52 cases of dried mixed fruit, in part at New Haven, Conn., and in part at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce to New York, N.Y., about October 7, 1933, by the California Prune & Apricot Growers Association of San Jose, from San Francisco, Calif., that it had been reshipped into the State of Connecticut by Richardson, Morse & Harvey, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: (Wooden case) "Sunsweet Nature Flavored Tree Ripened Mixed Fruit California Prune & Apricot Growers Assn. San Jose, California."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy vegetable substance.

On December 19, 1933, no claimant having appeared for the property, judgments of condemnation were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

21861. Adulteration of apples. U. S. v. 299 Bushels, et al., of Apples. Consent decrees of condemnation and forfeiture. Product released under bond for removal of deleterious ingredients. (F. & D. nos. 31590, 31653, 31715, 31909. Sample nos. 59466-A, 59471-A, 59578-A, 64029-A.)

These cases involved shipments of apples that were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On or about October 27, November 8, and November 24, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 709 bushels and 216 crates of apples at Chicago, Ill. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of October 11 and October 30, 1933, that one shipment had been made by the Sawyer Fruit Exchange from Sawyer, Mich., that the remaining shipments had been made by Lee Staring (or Starring) in part from Fennville, Mich., and in part from St. Joseph, Mich., and that the article was adulterated in violation of the Food and Drugs Act.

The libels charged that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

On January 9 and January 13, 1933, the Chicago Pie Co. and Pie Bakeries, Inc., of Chicago, Ill., having appeared as claimants for respective portions of the property, and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimants for washing to remove the deleterious ingredients, upon payment of costs and the execution of bonds totaling \$1,500.

M. L. WILSON, Acting Secretary of Agriculture.

21862. Misbranding of salad oil. U. S. v. 29 Cans and 29 Cans of Salad Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31599, 31613. Sample nos. 51344-A, 52101-A.)

These cases involved a product which consisted chiefly of domestic cottonseed oil but which was labeled in a deceptive manner to convey the impression that it consisted of imported olive oil.

On November 17 and November 21, 1933, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 58 cans of salad oil at West New York, N.J., alleging that the article had been shipped in interstate commerce on or about November 6 and November 14, 1933, by the Modern Packing Co., from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act.

It was alleged in the libels that the article was misbranded in that the statement, "Olio Fino Balbo Brand Tipo Lucca" and the designs of olive branches and coat of arms with crown, borne on the label, were false and misleading

and deceived and misled the purchaser, since they created the impression that the article was imported Italian olive oil, whereas it consisted largely of cottonseed oil of domestic origin, and the impression was not corrected by the inconspicuous statement at the bottom of the label, "Twenty percent Olive Oil Eighty percent Salad Oil." Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.

On December 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21863. Adulteration of canned shrimp. U. S. v. 1,772 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 31603. Sample nos. 58569-A, 58570-A, 58586-A, 58587-A.)

This case involved an interstate shipment of canned shrimp that was found to be in part decomposed.

On November 17, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,772 cases of canned shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 3, 1933, by Garner Packing Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously: "Gulf Baby Brand Cocktail Shrimp", "Pride of Gulf Brand Shrimp", "Broun's Fancy Shrimp", or "Ready Lunch Brand Shrimp."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On December 20, 1933, George S. Washington & Sons, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$4,000, conditioned that it should not be sold or disposed of contrary to law. On January 3, 1934, an amended decree was entered ordering that the cans containing adulterated material be separated from the good cans and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21864. Adulteration of parsley, spinach, and celery juices. U. S. v. 3 Cases of Parsley Juice, 3 Cases of Spinach Juice, and 12 Cases of Celery Juice. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31614. Sample nos. 58395-A to 58397-A.)

This case involved quantities of parsley, spinach, and celery juices that were found to be partly decomposed.

On November 21, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3 cases of parsley juice, 3 cases of spinach juice, and 12 cases of celery juice, at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about September 29, 1933, by Edw. Higgins Food & Fruit Products, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: (Bottles) "Sun Cured Uncooked Pure Parsley [or "Spinach" or "Celery"] Juice Processed by Solar Vitalized Products Co."

It was alleged in the libel that the articles were adulterated in that they consisted wholly or in part of decomposed vegetable substances.

On December 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21865. Misbranding of vegetable oil. U. S. v. 74 Cans, et al., of Vegetable Oil. Decrees of condemnation and forfeiture. Portion of product released under bond, remainder destroyed. (F. & D. nos. 31619, 31628, 31629, 31636, 31743. Sample nos. 51345-A to 51348-A incl., 52104-A, 52115-A.)

Sample cans of vegetable oil taken from the various shipments involved in these cases were found to contain less than 1 gallon, the declared volume.

On November 20, November 23, November 24, November 27, and December 18, 1933, the United States attorney for the District of New Jersey, acting

upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 702 cans of vegetable oil in various lots at West New York, Newark, and Irvington, N.J., alleging that the article had been shipped in interstate commerce between September 3 and November 7, 1933, by the Cosmopolitan Oil Products Corporation, from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Contents One Gallon Sogno Mio Brand [or "La Cara Brand"] * * * Packed by Cosmopolitan Oil Products Corp. Bush Terminal Brooklyn, N.Y."

It was alleged in the libels that the article was misbranded in that the statement on the labels, "Net Contents One Gallon", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On December 17, 1933, the Cosmopolitan Oil Products Corporation having appeared as claimant for 561 cans of the product covered by the three libels, and having admitted the allegations of the libels and consented to the entry of decrees condemning and forfeiting the property, judgments were entered ordering that the product be released to the claimant upon payment of costs and the execution of good and sufficient bonds, conditioned in part that it be brought into conformity with the law either by repacking or refilling the cans.

The Cosmopolitan Oil Products Corporation appeared as claimant for the product seized under 4 of the 5 libels, admitted the allegations of the said libels, and consented to the entry of decrees condemning and forfeiting the property. On January 17, 1934, and April 24, 1934, judgments were entered ordering the claimed lots released, upon payment of costs and the execution of good and sufficient bonds, conditioned that the product be brought into conformity with the law, either by repacking or refilling the cans to the declared volume. No claim was entered for the 36 cans seized in the remaining case and on December 21, 1933, judgment of condemnation was entered and it was ordered by the court that the lot be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21866. Adulteration of apples. U. S. v. 525 Baskets of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31639. Sample no. 42526-A.)

This case involved an interstate shipment of apples that were found to bear arsenic in an amount that might have rendered them injurious to health.

On October 18, 1933, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 525 baskets of apples at Muncie, Ind., alleging that the article had been shipped in interstate commerce on or about September 21, 1933, by R. A. Watson, agent, from Valley City, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fancy Grimes Golden Packed by R. A. Watson, Morrison or Valley City, Ill."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, which might have rendered its use harmful to health.

On December 26, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21867. Adulteration of butter. U. S. v. 9 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31654. Sample nos. 60238-A, 60243-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On November 10, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 2, 1933, by T. B. Klock & Co., from Billings, was labeled to convey the impression that it was olive oil. Sample cans

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On December 4, 1933, the Meadow Gold Dairies, Inc., Billings, Mont., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be reworked under the supervision of this Department so as to conform to the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

21868. Misbranding of olive oil. U. S. v. 87 Cans of Olive Oil. Product released under bond for repacking. (F. & D. no. 31659. Sample no. 61378-A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than one-half gallon, the declared volume.

On November 29, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 cans of olive oil at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about September 23, October 16, and November 7, 1933, by Monteverde & Parodi, from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pure Extra Fine Olive Oil Half Gallon."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Half Gallon", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

The Italian Importing Co., Salt Lake City, Utah, filed a claim and answer praying release of the product and admitting the allegations of the libel. On January 10, 1934, costs having been paid and a good and sufficient bond filed, a decree was entered ordering release of the product to the claimant on condition that it be repacked in properly labeled 5-gallon cans.

M. L. WILSON, *Acting Secretary of Agriculture.*

21869. Adulteration of fresh chestnuts. U. S. v. 652 Boxes of Fresh Chestnuts. Consent decree of condemnation and forfeiture. Product released under bond for the purpose of selecting the good from the bad. (F. & D. no. 31672. Sample nos. 64042-A, 64043-A, 64050-A to 64052-A incl.)

This case involved an interstate shipment of chestnuts that were found to be in part decomposed.

On or about December 8, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 652 boxes of fresh chestnuts at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 21, 1933, by the Pacific Trading Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part "Fresh Chestnuts Grown in Japan."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On January 5, 1934, the Pacific Trading Co., claimant, having admitted the allegation of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant for the purpose of selecting and picking the good from the bad, under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21870. Adulteration of tullibees. U. S. v. 3 Boxes of Tullibees. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31691. Sample no. 59861-A.)

This case involved a shipment of tullibees that were infested with parasitic worms.

On November 7, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3 boxes of tullibees at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 31, 1933, by Edward Tobin, from Baudette, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of portions of animals unfit for food.

On December 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

21871. Adulteration of walnut pieces. U. S. v. 49 Boxes of Walnut Pieces. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31692. Sample no. 64054-A.)

This case involved a shipment of walnut pieces that were found to be rancid and wormy.

On December 11, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 boxes of walnut pieces at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 14, 1932, by Wood & Selick, from New York, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W * * * S. A. Belle Invalides * * * 1930 Crop France."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On January 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

21872. Adulteration of butter. U. S. v. 45 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31710. Sample no. 51911-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On November 22, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about November 8, 1933, by the Sardis Creamery Co., from Sardis, Miss., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On November 23, 1933, the Sardis Creamery Co., Sardis, Miss., having appeared by agent and filed a claim for the property and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, or the deposit of collateral in like amount, conditioned that it be reworked so that it contain at least 80 percent of butter-fat.

M. L. WILSON, Acting Secretary of Agriculture.

21873. Adulteration of butter. U. S. v. 77 Cases, et al., of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31723. Sample nos. 54294-A to 54300-A incl., and 54601-A to 54604-A incl.)

This case involved shipments of butter that was found to contain mold, insects and segments of their bodies, fragments of feathers, and rodent and deer hair.

On December 15, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 223 cases of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on various dates from September 15, 1933, to November 3, 1933, by Swift & Co., from Fulton, Ky., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On January 29, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21874. Adulteration of butter. U. S. v. 1 Carton, et al., of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 31724 to 31728 incl. Sample nos. 51790-A to 51794-A incl.)

This case involved various interstate shipments of butter that was found to contain mold, rodent, cow, and human hairs, fragments of feathers, insects and parts of their bodies, wood splinters, and other extraneous matter.

On December 18, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of certain lots of butter at New York, N.Y., charging adulteration in violation of the Food and Drugs Act. It was alleged in the libel that the article had been shipped in interstate commerce as follows: 1 carton, on or about December 2, 1933, from Ronceverte, W.Va., by C. J. Casdorph & Son; 1 tub, on or about December 2, 1933, from Shelby, N.C., by L. D. Jackson; 9 barrels, on or about December 4, 1933, from North Wilkesboro, N.C., by E. E. Eller Produce Co.; 9 barrels, on or about December 4, 1933, from North Wilkesboro, N.C., by S. V. Tomlinson; and 1 keg, on or about December 4, 1933, from Christiansburg, Va., by Harkrader Produce Co.

The libel charged that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On January 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21875. Adulteration of butter. U. S. v. 3 Barrels and 6 Barrels of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 31729, 31730. Sample nos. 66107-A, 66108-A.)

This case involved interstate shipments of butter that was found to contain mold, rodent, cow, and human hairs, fragments of feathers, insects and parts of their bodies, wood splinters, and other extraneous matter.

On December 18, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9 barrels of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce in part on or about December 2, 1933, by the Knoxville Poultry & Egg Co., from Knoxville, Tenn., and in part on or about December 5, 1933, by H. L. Piel Co., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On January 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture*

21876. Adulteration of butter. U. S. v. David Cole Creamery Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 25023. I.S. no. 03909.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On June 4, 1930, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the David Cole Creamery Co., a corporation, Omaha, Nebr., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 15, 1929, from the State of Nebraska into the State of Pennsylvania, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On January 4, 1934, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21877. Adulteration and misbranding of butter. U. S. v. David Cole Creamery Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 25041. I.S. nos. 5554, 5555, 5556.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On December 19, 1930, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the David Cole Creamery Co., a corporation, Omaha, Nebr., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 2, 1930, from the State of Nebraska into the State of Massachusetts, of a quantity of butter that was adulterated and misbranded. The article was variously labeled in part: "Maple Leaf Butter", "Idlewilde Butter", and "Maple Leaf Brand Creamery Butter."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, "butter", was false and misleading in that it represented that said article was butter, a product which should contain not less than 80 percent by weight of milk fat, whereas it contained less than 80 percent by weight of milk fat.

On January 4, 1934, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21878. Adulteration of canned tuna fish. U. S. v. 24 Cases of Canned Tuna Fish. Default decree of condemnation and destruction. (F. & D. no. 28241. Sample no. 8582-A.)

This case involved a shipment of canned tuna that was found to be in part decomposed.

On April 23, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of canned tuna fish at New Brighton, Pa., alleging that the article had been shipped in interstate commerce on or about February 20, 1932, by the French Sardine Co., from Terminal Island, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Clover Farm Brand Tuna."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On March 18, 1933, the French Sardine Co. filed a claim and answer. On January 25, 1934, the case having been called and the claimant having failed to appear, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21879. Adulteration of tomato pulp. U. S. v. 800 and 921 Cans of Tomato Pulp. Decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 28369, 28373. Sample nos. 7123-A, 7125-A.)

These cases involved interstate shipments of tomato pulp that was found to contain maggots.

On June 1, and June 4, 1932, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,721 cases of tomato pulp at New Orleans, La., alleging that the article had been shipped in interstate commerce by J. J. Favaloro, from Miami, Fla., in part on or about May 16, 1932, and in part on or about May 20, 1932, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On January 25, 1934, the claims and answers filed by F. G. Favaloro Sons, Inc., the sole intervener, having been withdrawn, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21880. Adulteration and misbranding of malted orange compound. U. S. v. 238 Cases and 118 Cases of Golden Age Malted Orange Compound. Product ordered destroyed. (F. & D. nos. 28881, 28881-A. Sample nos. 6128-A, 6129-A.)

This case involved a product labeled to convey the impression that it was a compound consisting essentially of substances derived from natural fruit. Analysis showed that the article was an artificially colored imitation orange product containing a small amount of dehydrated orange juice. Unwarranted health claims were made for the article in the labeling.

On September 12 and September 19, 1932, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 356 cases of Golden Age malted orange compound at Kansas City, Mo., alleging that the article had been shipped in interstate commerce by the Malted Products, Inc., from Chicago, Ill., in part on or about July 14, 1932, and in part on or about July 19, 1932, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Golden Age Malted Orange Compound * * * Made only by Malted Products, Inc., * * * Chicago, U. S. A."

It was alleged in the libels that the article was adulterated in that an imitation orange beverage base had been substituted for malted orange. Adulteration was alleged for the further reason that the article had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation and was offered for sale under the distinctive name of another article, and in that the designs of fruit on the package label were misleading. Misbranding was alleged for the further reason that the following statements in the labeling were false and misleading and deceived and misled the purchaser: (Package) "Malted Orange * * * Simply dissolve one heaping teaspoon of Golden Age Malted Orange in half a glass of water, rather than being inconvenienced by squeezing the juice from one orange. * * * Fresh orange flavor * * * real orange juice drink", (circular, heading) "Golden Age Malted Orange * * * 1. Aids digestion. * * * Builds Body Resistance. Prevents and corrects Acidosis. Promotes the retention of Calcium, Phosphorous and certain other Food Elements. Promotes the Retention of Calcium, Phosphorous and Certain Other Food Elements. Promotes Normal Functioning for Healthy Mouth and Perfect Teeth. It stimulates Growth in Children. * * * The protective food elements necessary for health and proper growth. * * * so necessary to build strong bones, and teeth, rich blood, nerve tissue and helps regulate the body. * * * Excellent for underweight."

The Malted Products, Inc., filed claims and answers denying that the article was adulterated, also denying that it was an imitation, but admitting that the article was misbranded in that the statements upon and within the package and the designs of fruit were misleading. On December 4, 1933, the cases having been called and the defendant having failed to appear, upon motions filed by the United States attorney for judgment on the pleadings, decrees were entered adjudging the product to be adulterated and misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21881. Adulteration of celery. U. S. v. Peppers Fruit Co. Plea of nolo contendere. Fine, \$500; sentence suspended. (F. & D. no. 29389. I.S. nos. 18276, 47501, 47502, 52020, 52021.)

This case was based on shipments of celery that bore arsenic, or arsenic and lead, in amounts that might have rendered it injurious to health.

On March 28, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Peppers Fruit Co., a corporation, Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act, in various shipments, between the dates of January 8 and January 20, 1932, from the State of California into the States of Nebraska, Illinois, Kansas, and Missouri, of quantities of celery that was adulterated.

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic, or arsenic and lead, which might have rendered it injurious to health.

On September 18, 1933, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$500. Sentence was ordered suspended for 2 years, at the end of which time suspension to be permanent if defendant had not been guilty of any further offense within the period.

M. L. WILSON, *Acting Secretary of Agriculture.*

21882. Adulteration of evaporated apples. U. S. v. William Austin Claypool and Forrest Felix Hazel (Claypool & Hazel). Plea of guilty. Fine, \$30. (F. & D. no. 29403. I.S. nos. 41247, 41714.)

This case was based on interstate shipments of evaporated apples that were found to be in part insect-infested, decayed, and dirty.

On February 2, 1933, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William Austin Claypool and Forrest Felix Hazel, copartners, trading as Claypool & Hazel, Springdale, Ark., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about September 5, 1931, from the State of Arkansas into the State of Missouri, and on or about October 29 and November 2, 1931, from the State of Arkansas into the State of Oklahoma, of quantities of evaporated apples that were adulterated. A portion of the article was labeled in part: "Morning Glory Brand Evaporated Apples Packed by Claypool & Hazel, Springdale, Ark."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable and animal substance.

On January 11, 1934, a plea of guilty to the information was entered, and a fine of \$30 was imposed against the partnership.

M. L. WILSON, *Acting Secretary of Agriculture.*

21883. Adulteration and misbranding of butter. U. S. v. Fergus County Creamery. Plea of guilty. Fine, \$100. (F. & D. no. 29427. Sample no. 178-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On September 16, 1933, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fergus County Creamery, a corporation, Lewis-town, Mont., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 13, 1932, from the State of Montana into the State of California, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Cloverbloom Full Cream Butter * * * Armour's Creameries * * * Chicago, Distributors."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, "Butter", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not butter as defined by law.

On December 6, 1933, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21884. Adulteration and misbranding of grape jelly. U. S. v. Frank C. Gibbons, Sr., and Averell S. Gibbons (Frank C. Gibbons Sons Co.). Pleas of guilty. Fines, \$50. (F. & D. no. 29461. I.S. no. 17079.)

This case was based on an interstate shipment of imitation grape jelly that consisted of fruit juice, sugar, and added water, jelled by added pectin. The flavor was augmented by added acid.

On May 12, 1933, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank C. Gibbons, Sr., and Averell S. Gibbons, copartners, trading as the Frank C. Gibbons Sons Co., Maryville, Tenn., alleging shipment by said defendants, on or about August 22, 1931, from the State of Tennessee into the State of Alabama, of a quantity of grape jelly that was adulterated and misbranded. The article was labeled in part: "Knox—Pure Grape Jelly Frank C. Gibbons Sons Co. Maryville, Tenn."

It was alleged in the information that the article was adulterated in that a mixture of pectin, sugar solution, and acid had been mixed and packed with it so as to reduce and lower and injuriously affect its quality, and had been substituted for pure grape jelly, which the article purported to be. Adulteration was alleged for the further reason that the article had been mixed with pectin, sugar solution, and acid in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Pure Grape Jelly", borne on the jar label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not pure grape jelly. Misbranding was alleged for the further reason that the article was an imitation of grape jelly.

On January 16, 1934, the defendant entered pleas of guilty, and the court imposed fines totaling \$50.

M. L. WILSON, Acting Secretary of Agriculture.

21885. Adulteration and misbranding of butter. U. S. v. The R. E. Cobb Co. Plea of guilty. Fine, \$10. (F. & D. no. 29465. Sample no. 48117.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On April 12, 1933, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. E. Cobb Co., a corporation, trading at Valley City, N.Dak., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 6, 1932, from the State of North Dakota into the State of Massachusetts, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: (Boxes) "Brookside Creamery Roll Butter First National Stores, Inc."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, "Butter", borne on the label, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not butter as defined by law.

On January 27, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, Acting Secretary of Agriculture.

21886. Adulteration of celery. U. S. v. Manatee County Growers Assoc. Plea of nolo contendere. Judgment of guilty. Fine, \$50. (F. & D. no. 29472. I.S. no. 52062.)

This action was based on an interstate shipment of celery that was found to bear arsenic in an amount that might have rendered the article injurious to health.

On November 2, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Manatee County Growers Association, a corporation, Bradenton, Fla., alleging shipment by said company on or about January 28, 1932, in violation of the Food and Drugs Act, from the State of Florida into the State of Illinois, of a quantity of celery that was adulter-

ated. The article was labeled in part: "Mana T Brand Packed and Shipped by Manatee County Growers Association, Bradenton, Florida."

It was alleged in the information that the article was adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, in an amount which might have rendered it injurious to health.

On January 3, 1934, a plea of *nolo contendere* having been entered on behalf of the defendant company, the court entered judgment of guilty and imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21887. Adulteration of butter. U. S. v. 1 Tub of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32364. Sample no. 66124-A.)

A sample of butter taken from the shipment involved in this case was found to contain rodent hairs and part of an insect body.

On January 20, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one tub of butter, at New York, N.Y., alleging that the article had been shipped on or about January 12, 1934, by Charles Huston & Bro., from Three Springs, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On February 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21888. Adulteration of celery. U. S. v. Chase & Co. Plea of guilty. Fine, \$15. (F. & D. no. 30129. I.S. nos. 43173, 43178, 43234.)

This case was based on interstate shipments of celery that was found to bear arsenic in an amount that might have rendered it injurious to health.

On January 8, 1934, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Chase & Co., a corporation, Sanford, Fla., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 17 and March 19, 1932, from the State of Florida into the State of Pennsylvania, of quantities of celery that was adulterated. Portions of the article were labeled: "Precooled and Each Stalk Washed Chase & Co. Sanford, Florida." The remainder was unlabeled.

It was alleged in the information that the article was adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, in an amount which might have rendered it injurious to health.

On January 23, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$15.

M. L. WILSON, *Acting Secretary of Agriculture.*

21889. Adulteration of butter. U. S. v. Marion Delbert Tomlinson (Nimrod Creamery). Plea of guilty. Fine, \$25. (F. & D. no. 30185. Sample no. 8541-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On January 3, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Marion Delbert Tomlinson, trading as Nimrod Creamery, Sebeka, Minn., alleging that on or about August 2, 1932, the said defendant had delivered for shipment in interstate commerce from the State of Minnesota into the State of Pennsylvania, a quantity of butter that was adulterated in violation of the Food and Drugs Act.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On January 3, 1934, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21890. Adulteration of canned tuna. U. S. v. The French Sardine Co. of California. Plea of guilty. Fine, \$200. (F. & D. no. 30199. Sample no. 8582-A.)

This case was based on an interstate shipment of canned tuna, samples of which were found to be tainted or stale.

On July 10, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the French Sardine Co. of California, a corporation, Terminal Island, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 20, 1932, from the State of California into the State of Pennsylvania, of a quantity of canned tuna that was adulterated. The article was labeled in part: "Clover Farm Brand Tuna * * * Clover Farm Stores Distributors National Headquarters Cleveland, Ohio."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 4, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

21891. Misbranding of mayonnaise and relish. U. S. v. J. F. Goodson & Co. (J.F.G. Coffee Co.). Plea of nolo contendere. Fine, \$100. (F. & D. no. 30203. Sample nos. 7635-A, 7636-A.)

This case was based on interstate shipments of mayonnaise and relish. Samples taken from the mayonnaise were found to contain less than 16 ounces, the labeled weight. The label of the relish failed to bear a plain and conspicuous statement of the quantity of the contents, since it was invoiced as "16 ounce Relish", the case was labeled as containing 1-pound jars, the case also bore a "Relish" label stating the weight to be 12 ounces, the jar within the case bore a label declaring 8 ounces to be the net weight, whereas on examination the jars were found to contain approximately 15 ounces.

On June 15, 1933, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against J. F. Goodson & Co., a corporation, trading as the J. F. G. Coffee Co., Knoxville, Tenn., alleging shipment by said company on or about July 12, 1932, from the State of Tennessee into the State of North Carolina, of quantities of mayonnaise and relish that were misbranded. The articles were labeled in part, respectively: "Net Wght. 16 Ozs. J. F. G. Special Mayonnaise J. F. G. Coffee Co., Knoxville, Tenn." and "Net Wght. 8 Oz. J. F. G. Special Relish. J. F. G. Coffee Co., Knoxville, Tenn."

It was alleged in the information that the mayonnaise was misbranded in that the statement, "Net Wght. 16 Ozs.", borne on the jar label, was false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the jars contained less than 16 ounces. Misbranding was alleged with respect to both products for the reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On January 16, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21892. Adulteration and misbranding of butter. U. S. v. David Cole Creamery Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 30244. Sample nos. 12361-A to 12363-A incl., 21602-A.)

This case was based on interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On December 8, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the David Cole Creamery Co., a Colorado corporation, having its principal place of business at Omaha, Nebr., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 19 and December 29, 1932, from the State of Nebraska into the State of New York, of quantities of tub and print butter that was adulterated and misbranded. One lot of the print butter was labeled in part: "Maple Leaf Brand Creamery Butter David Cole Creamery Co. Omaha." The remainder of the print butter was labeled in part: "Stony Brook * * * Creamery Butter * * * Dist. by C. R. and W. J. Sutherland, Incorporated, Albany, N.Y."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding of the print butter was alleged for the reason that the statement, "Butter", on the labels, was false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, whereas it was not butter, since it contained less than 80 percent by weight of milk fat.

On January 4, 1934, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21893. Adulteration of butter. U. S. v. Producers Creamery Co. Plea of guilty. Fine, \$5. (F. & D. no. 30255. Sample no. 3572-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On December 28, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Producers Creamery Co., a corporation, Clinton, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 29, 1932, from the State of Missouri into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On January 15, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*

21894. Adulteration and misbranding of butter. U. S. v. Mutual Creamery Co. Plea of guilty. Fine, \$100. (F. & D. no. 30256. Sample no. 25201-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On August 31, 1933, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mutual Creamery Co., a corporation, trading at Fallon, Nev., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 12, 1932, from the State of Nevada into the State of California, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: (Cartons) "Pasteurized Creamery Butter Manufactured and Distributed by Mutual Creamery Company."

It was alleged in the information that the article was adulterated in that a product deficient in milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as required by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, "Butter", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product containing not less than 80 percent by weight of milk fat as required by law, whereas it was not butter in that it contained less than 80 percent by weight of milk fat.

On September 12, 1933, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21895. Adulteration of butter. U. S. v. Harrow-Taylor Butter Co. Plea of guilty. Fine, \$25. (F. & D. no. 30258. Sample no. 10075-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On October 27, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Harrow-Taylor Butter Co., a corporation, Kansas City, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 8, 1932, from the State of Missouri into the State of New Jersey, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On February 12, 1934, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21896. Adulteration of apples. U. S. v. Kemp Ross and Paul McKercher. Plea of nolo contendere by Paul McKercher. Fine, \$15. Plea of guilty by Kemp Ross. Fine, \$15. (F. & D. no. 30270. I.S. nos. 52972, 52974, 53478.)

This case was based on interstate shipments of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On August 19, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Kemp Ross and Paul McKercher, Wenatchee, Wash., theretofore President and Secretary-Treasurer of McKercher & Ross, a corporation organized and existing under the laws of the State of Washington, alleging shipment by said defendants in violation of the Food and Drugs Act, on or about March 22, March 24, and March 26, 1932, from the State of Washington into the State of Minnesota, of quantities of apples that were adulterated. The article was labeled in part: "Bull's-Eye Brand Fruit Scobel & Day Distributors * * * Apples Grown by N. E. Derry, Wenatchee, Wash."

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 1, 1933, defendant Paul McKercher entered a plea of nolo contendere, and the court imposed a fine of \$15. On October 25, 1933, defendant Kemp Ross entered a plea of guilty, and the court imposed a fine of \$15.

M. L. WILSON, *Acting Secretary of Agriculture.*

21897. Adulteration of butter. U. S. v. Farmers Union Cooperative Creamery Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 30274. Sample no. 27861-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On November 7, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Farmers Union Cooperative Creamery Co., a corporation, Fremont, Nebr., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 1, 1932, from the State of Nebraska into the State of California, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On January 4, 1934, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21898. Adulteration and misbranding of peaches. U. S. v. 500 Baskets of Fresh Peaches. Default decree of forfeiture. Product ordered sold. (F. & D. no. 30661. Sample no. 39787-A.)

This case involved a shipment of peaches that were below the grades indicated on the baskets.

On June 23, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the dis-

strict court a libel praying seizure and condemnation of 500 baskets of peaches at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about June 17, 1933, by Britt & Co., from Thomaston, Ga., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "1½ inches" and "1¾ inches", respectively.

It was alleged in the libel that the article was adulterated in that peaches below the grades indicated on the labels had been substituted for it.

Misbranding was alleged for the reason that the statements on the labels, "1½ inches" and "1¾ inches", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was sold under the distinctive name of another article.

On June 23, 1933, the court ordered the United States marshal to sell the peaches and pay the proceeds into court. On June 27, 1933, Sawyer & Co., Inc., Boston, Mass., filed an intervening petition and claim for commission, freight, etc. On June 28, 1933, a decree was entered sustaining the allegations of the libel. On September 5, 1933, a final decree was entered ordering that the claim of Sawyer & Co., Inc., be paid and the balance paid into the United States Treasury.

M. L. WILSON, *Acting Secretary of Agriculture.*

21899. Adulteration of apple pomace. U. S. v. 300 Bags of Apple Pomace. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30878. Sample no. 36422-A.)

This case involved a shipment of apple pomace that contained arsenic and lead.

On August 9, 1933, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 bags of apple pomace at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about May 6, 1933, by the National Fruit Product Co., from Winchester, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On or about September 18, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21900. Adulteration of canned shrimp. U. S. v. 85 Cases, et al., of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of unfit portion. (F. & D. nos. 30901, 30902, 30903, 30904. Sample nos. 49801-A, 49802-A, 49803-A, 57273-A.)

These cases involved canned shrimp that was in part decomposed.

On August 14, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 262 cases of canned shrimp in part at Rochester, N.Y., and in part at Elmira, N.Y., alleging that the article had been shipped in interstate commerce on or about July 10, 1933, by the C. B. Foster Packing Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Miss—Lou Brand—Wet Pack * * * Shrimp—Packed By C. B. Foster Packing Company, Inc. Biloxi, Miss."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed and putrid animal substance.

On September 20, 1933, the cases having been consolidated and the Wille-Dahl Co., Inc., Syracuse, N.Y., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that the decomposed portions be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21901. Adulteration and misbranding of canned salmon. U. S. v. 600 Cartons of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond for destruction of decomposed portion and relabeling of remainder. (F. & D. no. 31018. Sample nos. 39608-A, 47001-A.)

This action involved a quantity of canned salmon, which was labeled to convey the impression that it was red salmon but which was found to consist of coho salmon, a different variety. The article was variously coded. Samples taken from one of the codes were found to be decomposed.

On August 28, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cartons of canned salmon at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about July 3, 1933, by the F. A. Gosse Co., from Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Red Breast Brand Salmon Fancy Cutlet Natural Red Color and Oil * * * Distributed by F. A. Gosse Company Seattle, Wash."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

Misbranding was alleged for the reason that the word "Red", displayed prominently in the brand name, and the statement, "Natural Red Color and Oil", on the label, were false and misleading and deceived and misled the purchaser, since they inferred that the article was red salmon, whereas it was coho salmon, a different species.

On January 8, 1934, the Fishermen's Packing Corporation, Everett, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$6,000. It was further ordered that the decomposed portion be destroyed, and that the remainder be relabeled to show its true nature, namely, coho salmon.

M. L. WILSON, Acting Secretary of Agriculture.

21902. Misbranding of canned cherries. U. S. v. 70 Cases of Canned Cherries. Consent decree of forfeiture. Product released under bond to be relabeled. (F. & D. no. 31029. Sample no. 45687-A.)

This case involved an interstate shipment of canned cherries packed in a solution which contained insufficient sugar to bring the liquid portion up to the standard for canned cherries prescribed by the Secretary of Agriculture and which was not labeled to indicate that it was substandard. Sample cans taken from the shipment were found to contain less than the labeled weight.

On August 31, 1933, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 cases of canned cherries at South Bend, Ind., alleging that the article had been shipped in interstate commerce on or about July 22, 1933, by the Berrien Packing Co., from St. Joseph, Mich., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Sunset Gold Brand Contents One Lb. Five Oz. Fancy Red Pitted Cherries."

It was alleged in substance in the libel that the article was misbranded in that the labels bore statements which were false and misleading, since the article was substandard and since the cans contained less than 1 pound 5 ounces as declared on the label.

On October 3, 1933, Simon Bros., South Bend, Ind., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, Acting Secretary of Agriculture.

21903. Adulteration and misbranding of prune juice. U. S. v. 12 Cases of Sunsweet Juice of the Tenderized Prune. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31035. Sample no. 37356-A.)

This case involved a product labeled to convey the impression that it consisted of the natural juice of fresh prunes. Examination showed that the

article had been obtained from soaked dried prunes. Examination further showed that the bottles contained less than 1 quart, the declared volume, and that the labeling bore unwarranted curative claims.

On September 6, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cases of prune juice at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 5, 1933, by the California Prune & Apricot Growers Association, from San Jose, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that an aqueous extract of partly dried prunes had been substituted for the juice of prunes.

Misbranding was alleged for the reason that the statements in the labeling, (bottle) "Net Contents One Quart", (bottle label display card and circular) "Juice of the * * * Prune", (circular) "Nothing but the juice of the prune * * * Tree ripened Prunes only Plumb sugar sweet fully tree ripened prunes are used in the making of Sunsweet Juice Tree ripening adds extra flavor extra healthfulness extra goodness * * * Tree ripened flavor * * * for Tree Ripened goodness * * * Finest Juice", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Bottle label, display card, and circular) "Natural Regulator", (circular) "A Health Beverage * * * is essential to health and growth * * * builds up resistance to infections such as common colds * * * these salts make bone it is estimated the Bones contain over 99 percent of the body calcium * * * Vital * * * Fruits help materially in maintaining alkalinity of the blood for reducing * * * Natural Regulating effect * * * in the reducing diet * * * Health drink * * * Vital * * * Vital Qualities * * * For lovely complexions real beauty comes from within not from without to get rid of sallowness and blemishes get rid of body waste. Sunsweet Juice is a natural regulator gently stimulates elimination and helps make skin smooth and clear."

On January 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21904. Adulteration of canned shrimp. U. S. v. 600 Cartons and 600 Cartons of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31194. Sample no. 44906-A.)

This case involved a shipment of canned shrimp, unlabeled but variously coded. Samples taken from certain codes were found to be decomposed.

On September 29, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,200 cartons of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 27, 1933, by the De Jean Packing Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 23, 1934, the De Jean Packing Co. having entered an appearance as claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$3,700, conditioned that it be made to conform with the law under the supervision of this Department, and that it not be sold or disposed of contrary to the provisions of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

21905. Adulteration of canned shrimp. U. S. v. 800 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31232. Sample no. 44483-A.)

This case involved a shipment of canned shrimp, samples of which were found to be decomposed.

On October 23, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 800 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about September 5, 1933, by the Mavar Fish & Oyster Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Olivia Brand Small Shrimp Dry Pack * * * Packed by Mavar Fish & Oyster Company, Biloxi, Miss."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On January 9, 1934, the Mavar Fish & Oyster Co. having entered an appearance as claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$3,200, conditioned that it be made to conform with the law under the supervision of this Department, and that it not be sold or disposed of contrary to the provisions of the Food and Drugs Act.

M. L. WILSON, Acting Secretary of Agriculture.

21906. Adulteration and misbranding of egg noodles. U. S. v. 248 Cartons of Alleged Egg Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31256. Sample no. 44142-A.)

This case involved a product which was represented to be egg noodles but which was found to be deficient in egg solids.

On October 18, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two hundred and forty-eight 20-pound cartons of egg noodles at Perry Point, Md., alleging that the article had been shipped in interstate commerce on or about August 5, 1933, by Walker Products Co., Inc., from Indianapolis, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Walker Products Co., Inc."

It was alleged in the libel that the article was adulterated in that imitation egg noodles containing less egg solids than egg noodles had been substituted for egg noodles.

Misbranding was alleged for the reason that the article was an imitation of another article and for the further reason that it was sold under the distinctive name of another article.

On February 15, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

21907. Adulteration and misbranding of fava beans. U. S. v. 92 Sacks of Fava Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31273. Sample no. 51777-A.)

This case involved a shipment of fava beans which were insect-infested and which were contained in sacks that were not labeled to indicate the quantity of the contents.

On October 27, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 92 sacks of fava beans at Brooklyn, N.Y., alleging that the article had been shipped in interstate commerce on or about September 11, 1933, by Uddo-Taormina Corporation, from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 10, 1934, judgment was entered by default ordering the product condemned, forfeited, and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21908. Misbranding of olive oil. U. S. v. 14 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31277. Sample nos. 56236-A, 56256-A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the labeled volume.

On October 28, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cans of olive oil at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about September 11, 1933, by Uddo-Taormina Corporation, from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled, in part: "Pure Olive Oil * * * Imported by Uddo-Taormina Corp., Italy, Contents One Gallon."

It was alleged in the libel that the article was misbranded in that the statement, "Net Contents One Gallon", borne on the label, was false and misleading, since the article was short volume.

On January 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21909. Misbranding of egg noodles. U. S. v. Keystone Macaroni Mfg. Co. Plea of nolo contendere. Fine, \$25. (F. & D. no. 31363. Sample nos. 11124-A, 11167-A.)

This case involved shipments of egg noodles in packages that contained less than the labeled weight.

On January 2, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Keystone Macaroni Manufacturing Co., a corporation, Lebanon, Pa., alleging shipment by said company in violation of the Food and Drugs Act, in part on or about August 16, 1932, and in part on or about November 12, 1932, from the State of Pennsylvania into the State of New York, of quantities of egg noodles that were misbranded. The article was labeled in part: "Krasdale Brand Egg Noodles, A. Krasne Wholesale Distributor New York * * * Net Weight 6 Ounces."

It was alleged in the information that the article was misbranded in that the statement, "Net Weight 6 Ounces", was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 6 ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On January 16, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21910. Adulteration of dressed poultry. U. S. v. Gooding Cooperative Creamery. Plea of guilty. Fine, \$50. (F. & D. no. 31366. Sample no. 17253-A.)

Samples of dressed poultry taken from the shipment involved in this case were found to be emaciated, diseased, and decomposed.

On January 15, 1934, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gooding Cooperative Creamery, a corporation, Gooding, Idaho, alleging shipment by said company in the name of and by means of its agent, the Jerome Cooperative Creamery, on or about October 1, 1932, from the State of Idaho into the State of California, of a quantity of dressed poultry that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed animal substance, in that it consisted of portions of animals unfit for food, and in that it was a product of diseased animals.

On February 7, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21911. Adulteration and misbranding of gray wheat shorts and ground screenings. U. S. v. Topeka Flour Mills Corporation. Plea of guilty. Fine, \$25. (F. & D. no. 31376. Sample no. 18927-A.)

This case was based on a shipment of a product represented to be gray wheat shorts and ground screenings. Examination of the article showed that it consisted in part of brown shorts and contained more than 6 percent of crude fiber, the amount declared on the label.

On January 15, 1934, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Topeka Flour Mills Corporation, trading at Topeka, Kans., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 8, 1932, from the State of Kansas into the State of Missouri, of a quantity of gray wheat shorts and ground screenings that were adulterated and misbranded. The article was labeled in part: (Tag) "K-Y Gray Wheat Shorts and Ground Screenings * * * Crude Fibre, not more than 6.0% * * * Topeka Flour Mills Corp. Topeka, Kans."

It was alleged in the information that the article was adulterated in that brown shorts had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for gray wheat shorts and ground screenings.

Misbranding was alleged for the reason that the statements, "Gray Wheat Shorts and Ground Screenings", and "Crude Fibre, not more than 6.0%", borne on the tag, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it did not consist wholly of gray wheat shorts and ground screenings, but did consist in part of brown shorts and contained more than 6 percent of crude fiber.

On January 27, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21912. Adulteration of apple pomace. U. S. v. 16,000 and 20,349 Bags of Apple Pomace. Consent decrees of destruction. (F. & D. nos. 29934, 29978. Sample nos. 28851-A to 28859-A, incl., 28874-A, 28881-A, 28887-A, 28892-A, 28894-A, 28956-A, 28968-A, 28970-A, 29063-A, 29065-A, 29067-A, 29068-A, 29070-A to 29079-A, incl., 29081-A to 29084-A, incl., 29086-A, 29088-A to 29093-A, incl., 29095-A to 29100-A, incl., 35677-A, 35691-A, 35698-A, 35705-A.)

These cases involved various interstate shipments aggregating about 33 carloads of apple pomace that was found to contain arsenic and lead in amounts that might have rendered it injurious to health.

On March 15 and March 23, 1933, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 36,349 bags of apple pomace at Kansas City, Mo., alleging that the article had been shipped in interstate commerce between the dates of August 3, 1932, and December 16, 1932, by the Speas Manufacturing Co., in part from Yakima, Wash., and in part from Sebastopol, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On August 2, 1933, the Speas Manufacturing Co., Kansas City, Mo., claimant, having admitted the allegations of the libel, consented to the entry of decrees of condemnation and forfeiture, and filed an application for release of the product for salvaging, judgments were entered finding the product adulterated and ordering that it be released to the claimant upon payment of costs and the execution of bonds totaling \$10,000 conditioned as required by law. On August 29, 1933, and January 19, 1934, the claimant having expressed a desire that the product be destroyed, orders were entered providing for its destruction and the exoneration of the bonds.

M. L. WILSON, *Acting Secretary of Agriculture.*

21913. Adulteration of canned apple butter. U. S. v. 118 Cases of Apple Butter. Default decree of destruction. (F. & D. no. 31558. Sample no. 50421-A.)

This case involved a shipment of apple butter that was found to contain insect larvae.

On or about November 13, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 118 cases of canned apple butter at Chillicothe, Ohio, alleging that the article had been shipped by the Webster Canning & Preserving Co., from Webster, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pure Apple Butter New York State Products Packed by Webster Canning & Preserving Co., Webster, N.Y."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On January 4, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

21914. Misbranding of table or cooking oil, and olive oil. U. S. v. Italian Food Products Corporation of America. Plea of guilty. Fine, \$100. (F. & D. no. 30155. I. S. no. 42345. Sample nos. 8390-A, 8391-A, 14256-A, 14377-A, 14384-A, 14385-A, 14387-A, 14389-A, 34895-A.)

This case was based on various interstate shipments of cooking or table oil and one shipment of olive oil, which were found to be short of the declared volume.

On September 27, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Italian Food Products Corporation of America, Trenton, N.J., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of June 1, 1931, and February 6, 1933, from the State of New Jersey into the States of Pennsylvania and Maryland and the District of Columbia, of quantities of table or cooking oil and of a quantity of olive oil, which products were misbranded. The table or cooking oil was labeled in part: "Olio Doppia Stella * * * Double Star Brand * * * Net Contents One Gallon * * * Packed by F. Rizzo Di Cavalcante Trenton, N.J." The olive oil was labeled in part: "Net Contents One Quart, Pure Olive Oil Alpino Brand * * * Packed by F. R. Di Cavalcante."

It was alleged in the information that the articles were misbranded in that the statement "Net Contents One Gallon", with respect to the table or cooking oil, and the statement "Net Contents One Quart", with respect to the olive oil, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the cans contained less than labeled. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were incorrect.

On February 9, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, Acting Secretary of Agriculture.

21915. Adulteration and misbranding of grapefruit juice. U. S. v. 200 Cases of Grapefruit Juice. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 31990. Sample no. 38453-A.)

This case involved a shipment of grapefruit juice that contained added sugar and water.

On February 14, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of grapefruit juice at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 30, 1933, by H. A. Shaver, Inc., from Lakeland, Fla., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Heart of Florida Brand Fancy Florida Grapefruit Juice * * * Packed by Orlando Canning Co. Inc. Orlando Florida."

It was alleged in the libel that the article was adulterated in that a substance consisting of grapefruit juice with added sugar and water had been substituted for grapefruit juice.

Misbranding was alleged for the reason that the statement on the label, "Grapefruit Juice", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On February 19, 1934, the Orlando Canning Co. having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon the execution of a bond in the sum of \$300, conditioned that it be relabeled under the supervision of this Department. It was further ordered that claimant pay the costs of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

21916. Adulteration and misbranding of potatoes. U. S. v. 2,400 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31569. Sample no. 54727-A.)

This case involved a shipment of potatoes which were sold as U.S. No. 1 but which were found to contain an excessive number of potatoes showing grade defects.

On November 10, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,400 sacks of potatoes at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about November 3, 1933, by the Idaho Sales Co., from Hansen, Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U.S. No. 1, Selected Idaho Mountain Grown Potatoes."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated on the label had been substituted for the article.

Misbranding was alleged for the reason that the statement on the label, "U.S. No. 1", was false and misleading and deceived and misled the purchaser.

On November 17, 1933, the Cochrane Brokerage Co., Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that the potatoes be sorted and that the unfit portion be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21917. Adulteration of butter. U. S. v. 14 Boxes, et al., of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31657. Sample nos. 54290-A, 54291-A, 54292-A.)

This case involved shipments of butter that were found to contain hairs, fragments of feathers, mold, larvae, and segments of the bodies of flies.

On December 1, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 142 boxes of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce between September 22, 1933, and October 17, 1933, by Swift & Co., from Fulton, Ky., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On January 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21918. Adulteration of dried prunes. U. S. v. 100 Sacks of Dried Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31675. Sample nos. 60319-A, 60323-A.)

This case involved an interstate shipment of dried prunes that were found to be in part decomposed.

On December 5, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 sacks, each containing 100 pounds of dried prunes, at Seattle, Wash., alleging that the article

had been shipped in interstate commerce on or about November 20, 1933, by the Jory Packing Co., from Salem, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Jory Packing Co."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On February 7, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21919. Misbranding of bone and meat scrap. U. S. v. 60 Bags of Bone and Meat Scrap. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31681. Sample no. 14145-A.)

This case involved a shipment of feed that contained less protein than declared on the label.

On December 7, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 bags of bone and meat scrap at Gaithersburg, Md., alleging that the article had been shipped in interstate commerce on or about November 11, 1933, by the Wilkins-Rogers Milling Co., from Washington, D.C., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Bone & Meat Scrap Guaranteed Analysis Protein 50% * * * Manufactured by Norton & Co. Washington, D.C."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Protein 50%", was false and misleading and deceived and misled the purchaser.

On January 24, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21920. Adulteration and misbranding of Poultry Leaf and Alfalfa Leaf Meal. U. S. v. 365 Bags of Poultry Leaf and 35 Bags of Alfalfa Leaf Meal. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31682. Sample nos. 14146-A, 14147-A.)

This case involved alleged alfalfa meal products that were found to consist of mixtures of stem and leaf meal and to contain less protein and more fiber than was declared on the label.

On or about December 8, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 365 bags of Poultry Leaf and 35 bags of Alfalfa Leaf Meal at Derwood, Md., alleging that the articles had been shipped in interstate commerce on or about November 11, 1933, by the Urbana Mills, from Toledo, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Tags) "Poultry Leaf * * * Urbana Mills Urbana, Ohio" and "Greenleaf Alfalfa Leaf Meal * * * Akron-Urbana Mills, Urbana, Ohio."

It was alleged in the libel that the articles were adulterated in that mixtures of stem and alfalfa meal had been substituted for the articles.

Misbranding was alleged for the reason that the following statements appearing on the tags were false and misleading and deceived and misled the purchaser: (Poultry-Leaf) "Poultry Leaf Crude Protein, not less than 17.0 Per Cent Crude Fibre, not more than 23.0 Per Cent", (Greenleaf Alfalfa Leaf Meal) "Alfalfa Leaf Meal Crude Protein, not less than 20.0 Per Cent Crude Fibre, not more than 18.0 Per Cent."

Misbranding was alleged for the further reason that the articles were sold under the distinctive names of other articles.

On January 13, 1934, the Urbana Mills, Urbana, Ohio, having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled to conform to the requirements of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

21921. Adulteration of olives. U. S. v. 40 Cases and 100 Cases of Olives. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31693, 31694. Sample nos. 59863-A, 59864-A.)

The cases involved interstate shipments of olives that were found to be in part wormy.

On December 11, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 150 cases of olives at Chicago, Ill., alleging that the article had been shipped in interstate commerce by B. M. Reeves Co., Inc., from Brooklyn, N.Y., on or about October 4, 1933, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled "Buy Rite Brand Olives." The remainder was labeled: "Peerless Olives * * * Packed by Peerless Packing Co., Brooklyn, New York."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy vegetable substance.

On January 9, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21922. Adulteration of apple chops. U. S. v. 1,200 Bags of Apple Chops. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31695. Sample no. 61651-A.)

This case involved a shipment of apple chops that were insect-infested, decomposed, and dirty.

On December 8, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,200 bags of apple chops at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about January 25, 1933, by Ray A. Keymel, from Ontario, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On February 13, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21923. Adulteration and misbranding of canned tomatoes. U. S. v. 396 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. & D. no. 31696. Sample no. 63650-A.)

This case involved a shipment of canned tomatoes that were found to contain maggots. Examination also showed that the article was not Fancy Selected stock as labeled.

On December 8, 1933, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 396 cases of canned tomatoes at Muskogee, Okla., alleging that the article had been shipped in interstate commerce in various shipments on or about September 24, October 2, and October 5, 1933, by the Cincinnati Canning Co., from Cincinnati, Ark., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Nature's Best Tomatoes. Fancy Selected Stock."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

Misbranding of the article was alleged for the reason that the statement, "Fancy Selected Stock Packed for Finest Trade", was false and misleading and deceived and misled the purchaser.

On January 10, 1934, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21924. Misbranding of tomato juice. U. S. v. 49 Cases of Tomato Juice. Default decree of condemnation. Product delivered to charitable organizations. (F. & D. no. 31697. Sample no. 38665-A.)

This case involved a shipment of tomato juice that was short volume.

On December 8, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases of tomato juice at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 7, 1933, by the Empire State Pickling Co., of Phelps, N.Y., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Silver Floss Brand Tomato Juice Contents One Pint Four Fl. Oz. * * * Warranted to comply with all pure food laws."

It was alleged in the libel that the article was misbranded in that the statement, "Contents One Pint Four Fl. Oz.", was false and misleading and deceived and misled the purchaser, and for the further reason that the statement on the label, "Warranted to comply with all pure food laws", was misleading since it created the impression that the article had been approved by the United States Government and that the Government guaranteed it to comply with the law, whereas it had not been so approved and was not so guaranteed. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of quantity was incorrect.

On February 23, 1934, no claimant having appeared for the property, judgment of condemnation was entered. The court ordered that the product be delivered to charitable organizations, since it contained nothing deleterious and was fit for human consumption.

M. L. WILSON, *Acting Secretary of Agriculture.*

21925. Adulteration of canned shrimp. U. S. v. 246 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 31698. Sample nos. 50937-A, 50938-A.)

This case involved a shipment of canned shrimp that was found to be in part decomposed.

On December 12, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 246 cases of canned shrimp at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about September 2, 1933, having been consigned by Biloxi Canning & Packing Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed animal substance.

On January 3, 1934, R. Keith Hall, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of costs and the execution of a bond in the sum of \$1,174, conditioned that the decomposed portion be segregated and destroyed under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21926. Adulteration and misbranding of canned tomatoes. U. S. v. 10½ Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31699. Sample no. 64127-A.)

This case involved a shipment of canned tomatoes which contained maggots, which was substandard because of excessive peel, and which was not labeled to indicate that it was substandard.

On December 13, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10½ cases of canned tomatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about June 20, 1933, by Hazlehurst Canning Co., Inc., from Hazlehurst, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Shaver's Brand Hand Packed Tomatoes * * *. Packed by Hazlehurst Canning Co., Inc. Hazlehurst, Miss."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

Misbranding of the article was alleged for the reason that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that it contained excessive peel, and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department indicating that it fell below such standard.

On January 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21927. Adulteration of butter. U. S. v. 7 Cans, et al., of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 31703, 31704, 31705. Sample nos. 51787-A, 51788-A, 51789-A.)

This case involved interstate shipments of packing stock butter which contained insect larvae, mold, fragments of bird feathers, rodent and cow hair, and segments of the bodies of insects.

On December 11, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of certain quantities of butter at New York, N.Y., charging that the article was adulterated in violation of the Food and Drugs Act. It was alleged in the libel that 7 cans containing 240 pounds of butter had been shipped on or about November 29, 1933, from Sylvatus, Va., by the Sylvatus Grocery Co.; that 6 barrels containing 1,800 pounds of butter had been shipped on or about December 2, 1933, from Baltimore, Md., by the Hanover Poultry Co.; and that 1 box and 1 keg containing 128 pounds of butter had been shipped on or about November 29, 1933, from Galax, Va., by D. P. Poole.

The libel charged that the article was adulterated in that it consisted wholly or in part of a filthy and decomposed animal substance.

On January 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21928. Adulteration of pecans in shell. U. S. v. 8 Sacks of Pecans in Shell. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31706. Sample no. 64064-A.)

This case involved a shipment of pecans in shell that were in part decomposed.

On December 13, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight sacks of pecans in shell at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 17, 1933, by W. T. Thames, from Hattiesburg, Miss., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On January 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21929. Adulteration of shelled walnuts. U. S. v. 20 Boxes of Shelled Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31716. Sample no. 64057-A.)

This case involved a shipment of shelled walnuts that were in part rancid and stale.

On December 13, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 boxes of shelled walnuts at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 2, 1933, by L. DeMartini Supply Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On January 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21930. Misbranding of gray wheat shorts and screenings. U. S. v. 88 100-Pound Sacks of Gray Wheat Shorts and Screenings. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 31732. Sample no. 63678-A.)

This case involved an interstate shipment of gray wheat shorts and screenings that contained more crude fiber than was declared on the label.

On November 25, 1933, the United States attorney for the District of Kansas, acting upon a report by the Kansas State Board of Agriculture, filed in the district court a libel praying seizure and condemnation of 88 one-hundred-pound sacks of gray wheat shorts and screenings at Kansas City, Kans., alleging that the article had been shipped in interstate commerce on or about October 10, 1933, by the Black Bros. Flour Mills Co., from Beatrice, Nebr., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sack) "Crude Fibre Max. 6.00%, * * * Black Bros. Flour Mills, Beatrice, Nebr."

It was alleged in the libel that the article was misbranded in that the statement, "Crude Fibre Max. 6.00%", was false, since the article contained more than 6 percent of crude fiber.

On December 5, 1933, Black Bros. Flour Mills Co., Beatrice, Nebr., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

21931. Adulteration and misbranding of potatoes. U. S. v. 2,400 Bags of Potatoes. Default decree of condemnation and forfeiture. Good portion sold and bad portion destroyed. (F. & D. no. 31734. Sample no. 35124-A.)

This case involved an interstate shipment of potatoes which were represented to be United States Grade No. 1 but which were below grade because of the presence of wet rot and other grade defects.

On December 15, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two thousand four hundred 15-pound bags of potatoes at Cincinnati, Ohio, consigned December 9, 1933, alleging that the article had been shipped in interstate commerce by the Idaho Sales Co., from Jerome City, Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Three Star Brand U.S. Number 1."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated had been substituted for the said article.

Misbranding was alleged for the reason that the statement on the label, "U.S. Number 1", was false and misleading and deceived and misled the purchaser.

On January 17, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the good potatoes be separated from the rotted potatoes and that the former be sold and the latter destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21932. Adulteration of butter. U. S. v. 6 Cans, et al., of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 31737, 31738, 31739. Sample nos. 51795-A to 51797-A, incl.)

This case involved various interstate shipments of butter that was contaminated with filth, insects, rodent, human, and sheep hair, fragments of feathers, larvae, and nondescript debris. A portion of the article contained less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On December 18, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of certain quantities of butter at New York, N.Y., charging that the article was adulterated in viola-

tion of the Food and Drugs Act. It was alleged in the libel that 6 unlabeled cans of butter had been shipped on or about December 4, 1933, from Abingdon, Va., by Payne Produce Co., that 3 tubs of butter had been shipped on or about December 4, 1933, from Charlotte, N.C., by M. L. Kiestler, and that 7 cans of butter had been shipped on or about December 4, 1933, from Sylvatus, Va., by Sylvatus Grocery Co.

The libel charged that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance. Adulteration was further alleged with respect to 7 cans of the product in that an article deficient in butterfat had been substituted wholly or in part for butter, which it purported to be.

On January 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21933. Misbranding of tomato juice. U. S. v. 195 Cases of Tomato Juice. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31750. Sample no. 39257-A.)

Sample cans of tomato juice taken from the shipment involved in this case were found to contain less than the declared volume.

On December 19, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 195 cases of tomato juice at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about July 5, 1933, by the Empire State Pickling Co., from Phelps, N.Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Silver Floss Brand Tomato Juice Contents 1 Pt. 4 Fl. Oz. Packed at Phelps, N.Y., by Empire State Pickling Co."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 1 Pt. 4 Fl. Oz.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On January 20, 1934, the Empire State Pickling Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21934. Adulteration of olives. U. S. v. 5 Barrels of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31751. Sample nos. 56051-A, 56054-A.)

This case involved a shipment of olives that were in part wormy.

On December 21, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 barrels of olives at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on or about December 6, 1933, by the Quaker Maid Co., from Terre Haute, Ind., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21935. Adulteration of whole eggs. U. S. v. 133 Cans of Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31753. Sample no. 64109-A.)

This case involved a shipment of whole eggs that were found to be partly decomposed.

On December 22, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 133 cans of whole

eggs at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 31, 1933, by Peter Fox Sons Co., from Dallas Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On December 27, 1933, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant for segregation and destruction of the decomposed portion, under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be disposed of in violation of the Federal Food and Drugs Act.

M. L. WILSON, Acting Secretary of Agriculture.

21936. Adulteration of walnut meats. U. S. v. 10 Cartons of Walnut Meats. Default decree of forfeiture and destruction. (F. & D. no. 31756. Sample no. 45388-A.)

This case involved a shipment of walnut meats that were found to be wormy and moldy.

On December 19, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cartons of walnut meats at Weiser, Idaho, alleging that the article had been shipped in interstate commerce on or about December 5, 1933, by L. Demartini Supply Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of filthy and decomposed vegetable substances.

On or about January 29, 1934, no claimant having appeared for the product, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

21937. Misbranding of Cream-O-Cotton. U. S. v. 30 Cases of Cream-O-Cotton. Consent decree of condemnation. Product released under bond. (F. & D. no. 31760. Sample no. 52351-A.)

This case involved an interstate shipment of a cottonseed oil product used for shortening. Sample packages taken from the shipment were found to contain less than 1 pound, the labeled weight.

On December 22, 1933, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of Cream-O-Cotton at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about November 1, 1933, by the Texas Refining Co., from Greenville, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Cream-O-Cotton, Net Wt. One Lb. Manufactured and Guaranteed by Texas Refining Co., Greenville, Texas."

It was alleged in the libel that the article was misbranded in that the statement, "Net Weight 1 Lb.", was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On December 30, 1933, the Texas Refining Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it should not be sold contrary to the provisions of the Federal Food and Drugs Act and all other laws.

M. L. WILSON, Acting Secretary of Agriculture.

21938. Adulteration of dressed rabbits. U. S. v. 1 Barrel of Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31763. Sample no. 63919-A.)

This case involved a shipment of dressed rabbits that were partly decomposed.

On December 22, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the dis-

trict court a libel praying seizure and condemnation of 1 barrel of rabbits at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 13, 1933, by the Stanley Produce Co., from Mendon, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On February 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21939. Adulteration and misbranding of olives. U. S. v. 24 Cases of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31767. Sample no. 52318-A.)

This case involved a shipment of olives which were in part wormy and which were not labeled with a plain and conspicuous statement of the quantity of the contents, since the declaration on the label was not made in the terms of the largest unit, namely, 1 quart.

On December 22, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of olives at New Brunswick, N.J., alleging that the article had been shipped in interstate commerce on or about November 13, 1933, by B. M. Reeves, from Brooklyn, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jar) "College Town Spanish Olives Contents 32 Oz."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity was not declared in terms of the largest unit.

On January 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21940. Adulteration and misbranding of olives. U. S. v. 22 Cases of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31768. Sample no. 66009-A.)

This case involved a shipment of olives which were in part wormy and which were also short volume.

On December 22, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cases of olives at Englewood, N.J., alleging that the article had been shipped in interstate commerce on or about October 17, 1933, by Max Block & Co., Inc., from New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Case) "Salome Brand 1 Doz. 32 Oz. Selected Queen Olives", (bottle) "Salome Brand Selected Olives Contents 32 Fl. Oz. Max Block & Co. Inc. Distributors, New York."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the statements, (case) "32 Oz." (bottle) "Contents 32 Fl. Oz.", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On January 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21941. Adulteration of butter. U. S. v. 448 Pounds of Butter. Default decree of condemnation. Product delivered to welfare organizations. (F. & D. no. 31769. Sample no. 41162-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On November 17, 1933, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 448 pounds of butter at Dubuque, Iowa, alleging that the article had been shipped in interstate commerce on or about November 8, 1933, by the Tennyson Cooperative Creamery Co., from Potosi, Wis., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923.

On December 8, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be distributed to welfare organizations.

M. L. WILSON, *Acting Secretary of Agriculture.*

21942. Adulteration of butter. U. S. v. 2,079 Pounds of Butter. Consent decree of condemnation. Product released under bond. (F. & D. no. 31770. Sample no. 41161-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On November 17, 1933, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,079 pounds of butter at Dubuque, Iowa, alleging that the article had been shipped in interstate commerce on or about November 8, 1933, by the Woodbine Creamery, from Woodbine, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of Congress of March 4, 1923.

On December 8, 1933, the Woodbine Creamery Co., Woodbine, Ill., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21943. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31771. Sample no. 51920-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On November 29, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 tubs of butter at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about November 18, 1933, by the Hopkinton Cooperative Creamery Association, from Hopkinton, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On December 9, 1933, the Hopkinton Cooperative Creamery Association, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released upon

payment of costs and the execution of a bond in the sum of \$400, conditioned that it be reworked so as to comply with the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

21944. Misbranding of Krimp Rol Wheat. U. S. v. 15 Cases of Krimp Rol Wheat. Consent decree of condemnation and forfeiture. Product ordered sold, unless taken down under bond for relabeling. (F. & D. no. 31780. Sample no. 50870-A.)

This case involved an interstate shipment of a breakfast cereal the label of which bore unwarranted health claims.

On January 2, 1934, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of Krimp Rol Wheat at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce on or about July 15 and November 1, 1933, by F. W. Zweig & Son, from Fort Collins, Colo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Zweig's Krimp Rol Wheat * * * Krimp Rol is a special blend of two kinds of Colorado Grown Wheat."

It was alleged in the libel that the article was misbranded in that the following statements on the cartons were false, fraudulent, and misleading, and deceived the purchaser, since the article did not have any curative or therapeutic effect, and was wholly devoid of any medicinal qualities or beneficial effect other than would result or be obtained from any ordinary kind of food: "Body building * * * Contains all of the minerals and natural foods necessary to the health and vigor of the human body * * * For those who want to keep well * * * For those who are trying to regain health and vigor * * * Modern Health Food It is especially recommended as a diet food for people suffering from nervousness undernourishment intestinal or stomach trouble, kidney ailments, chronic constipation and many blood disorders. It not only aids in curing these ailments but helps to prevent them * * * For Health."

On January 12, 1934, F. W. Zweig & Son having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The decree provided that the product might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled, otherwise that it be sold by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21945. Misbranding of canned cherries. U. S. v. 406 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 31781, 31782, 31783. Sample nos. 66683-A, 66685-A, 66686-A.)

Examination of the canned cherries involved in this case showed that the article contained insufficient sugar to bring the sugar content of the liquid portion up to the standard established by this Department, and was not labeled to indicate that it was substandard.

On December 28, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 406 cases of canned cherries at Pueblo, Colo., consigned by the National Fruit Canning Co., alleging that the article had been shipped in interstate commerce on or about October 28, 1933, from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "National Red [or "Blue"] Brand Pitted Red Sour Cherries Packed by National Fruit Canning Co., Seattle."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because the liquid portion read less than 16 degrees Brix, and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On February 24, 1934, R. Keith Hall, Denver, Colo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs

and the execution of a bond in the sum of \$2,000, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21946. Misbranding of canned tomatoes. U. S. v. 1,900 Cases and 1,000 Cases of Canned Tomatoes. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 31784, 31789. Sample nos. 61661-A, 61663-A, 61665-A.)

Sample cans taken from the canned tomatoes involved in these cases were found to have excessive headspace. The article was misbranded because the cans contained less than the declared weight and were not labeled to indicate that they were slack filled.

On December 27 and December 28, 1933, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,900 cases of canned tomatoes at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, in various shipments, on or about September 2, 8, and 12, 1933, by C. W. Baker & Sons, in part from Delmar, Del., and in part from Aberdeen, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Bakers Brand Tomatoes Contents One Lb. Three Oz. Distributors C. W. Baker & Sons, Aberdeen, Md."

Misbranding of the article was alleged in the libels for the reason that the statement on the label, "Contents One Lb. Three Oz.", was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, because of excessive headspace, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

C. W. Baker & Sons filed claims and answers admitting the allegations of the libels but averring that only a part of the product was misbranded, and petitioned release of the goods for separation and relabeling of such portion. On February 14, 1934, judgments of condemnation and forfeiture were entered, *nunc pro tunc* as of February 1, 1934, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$1,000, conditioned that the entire lot be relabeled to comply with the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

21947. Adulteration and misbranding of Sunshine Leaf Meal. U. S. v. 40 Bags of Sunshine Leaf Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31785. Sample no. 68556-A.)

This case involved a product which was represented to consist of alfalfa leaf meal but which was found to consist of a mixture of stem and leaf meal containing less protein and more fiber than was declared on the label.

On December 28, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 bags of Sunshine Leaf Meal at Denton, Md., alleging that the article had been shipped in interstate commerce on or about October 10, 1933, by the Acton Co., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Sunshine Leaf Meal * * * Protein not less than 20% * * * Fibre not more than 18% * * * United Milling Corporation Roscoe, California This Alfalfa Leaf Meal is Manufactured from the Highest Grade Antelope Valley Hay."

It was alleged in the libel that the article was adulterated in that a mixture of stem and leaf meal had been substituted for leaf meal, which the article purported to be.

Misbranding was alleged for the reason that the statements on the tag, "Leaf Meal", "Protein not less than 20%", and "Fibre not more than 18%", were false and misleading and deceived and misled the purchaser, and for the further reason that the article was sold under the distinctive name of another article.

On February 7, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21948. Adulteration of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31798. Sample no. 51933-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On December 9, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about November 29, 1933, by the Waterville Cooperative Creamery, from Waterville, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On December 13, 1933, the Waterville Creamery Co., Waterville, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

21949. Adulteration of apples. U. S. v. 92 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31800. Sample no. 64875-A.)

This case involved an interstate shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On November 25, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 92 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 20, 1933, by L. Latchaw, from Pullman, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On January 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21950. Adulteration of canned shrimp. U. S. v. 1,200 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond for segregation and destruction of decomposed portions. (F. & D. no. 31801. Sample nos. 58715-A, 58716-A.)

This case involved a shipment of canned shrimp that was found to be in part decomposed.

On December 29, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,200 cases of canned shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 8, 1933, by the Sea Coast Packing Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Miss. Miss Brand Shrimp. [or "Clipper Brand Shrimp"] Packed by Sea Coast Packing Co., Inc., Biloxi, Miss."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 25, 1934, the Sea Coast Packing Co. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it

was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned that the good part be separated from the bad and the latter destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21951. Misbranding of table sirup. U. S. v. 10 Cases of Table Sirup. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31804. Sample no. 50968-A.)

Sample cans of table sirup taken from the shipment involved in this case were found to contain less than the labeled volume.

On January 2, 1934, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of table sirup at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce, on or about July 22 and November 24, 1933, by the Wheeler-Barnes Co., from Minneapolis, Minn., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Two and One Half Lbs. Net, White Swan Crystal Table Syrup."

It was alleged in the libel that the article was misbranded in that the statement, "Two and One Half Lbs. Net", deceived and misled the purchaser, since the cans contained less than 2½ pounds of table sirup. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and correctly stated on the outside of the package.

On January 12, 1934, Paxton & Gallagher Co., Cheyenne, Wyo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant, upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21952. Adulteration of pitted dates. U. S. v. 175 Cases of Pitted Dates. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 31825. Sample no. 50982-A.)

This case involved an interstate shipment of pitted dates that were found to be infested with insects and excreta.

On January 12, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 cases of pitted dates at Denver, Colo., consigned by the Balfour-Guthrie Co., New York, N.Y., alleging that the article had been shipped in interstate commerce on or about November 7, 1932, from New York, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sinbad Pitted."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On January 12, 1934, Melvin G. Strauss, trading as the Aimel Fig. Date Nut Co., Denver, Colo., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,300, conditioned in part that the unfit dates be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21953. Adulteration of butter. U. S. v. 42 Tabs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31838. Sample nos. 54481-A, 54482-A.)

This case involved quantities of butter that contained mold and other foreign matter.

On or about January 13, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 42 tabs of butter, alleging that the article was being offered for sale and sold in the District of Columbia, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On February 13, 1934, the Fairmont Creamery Co., having filed a claim as owner of the property and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned that it should not be sold or otherwise disposed of in violation of the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21954. Misbranding of sirup. U. S. v. 19 Cases of Sirup. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31844. Sample no. 50967-A.)

Sample cans of sirup taken from the shipment involved in this case were found to contain less than the labeled volume.

On January 17, 1934, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of sirup at Cheyenne, Wyo., alleging that the article had been shipped on or about February 10, 1933, by Wheeler-Barnes Co., from Minneapolis, Minn., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Kamo Brand Corn Syrup with Cane Flavor [or "Amber Table Syrup"] Two and One Half Lbs. Net."

It was alleged in the libel that the article was misbranded in that it was labeled so as to deceive and mislead the purchaser, since the cans contained less than the declared amount, 2½ pounds net. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and correctly stated on the outside of the package, since the cans contained less than declared.

On February 3, 1934, Paxton & Gallagher Co., Cheyenne, Wyo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21955. Adulteration of whole frozen eggs. U. S. v. 380 Cans of Whole Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 31848. Sample no. 44201-A.)

This case involved a shipment of frozen eggs that were found to be in part decomposed.

On January 18, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 380 cans of whole frozen eggs at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 18, 1933, by the Jerpe Commission Co., from Omaha, Nebr., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Frigidegs Frozen Strictly Fresh * * * Frigid Food Products, Inc., General Office, Detroit, Mich."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On January 19, 1934, the Frigid Food Products, Inc., Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that no part be sold or disposed of until inspected and approved by this Department. On February 2, 1934, the cans containing decomposed eggs having been segregated and destroyed, the bond was ordered exonerated.

M. L. WILSON, *Acting Secretary of Agriculture.*

21956. Misbranding of salad oil. U. S. v. 288 Cases, et al., of Salad Oil. Consent decrees entered. Product ordered released and containers destroyed. (F. & D. nos. 31849, 31872, 31946. Sample nos. 52133-A, 52134-A, 52145-A, 52147-A.)

These cases involved a product consisting principally of cottonseed oil that was labeled to convey the impression that it was olive oil. Sample cans

taken from one of the lots were found to contain less than 1 gallon, the labeled volume.

On January 18, January 22, and February 6, 1934, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 598 cans of salad oil in part at Newark, N.J., and in part at Jersey City, N.J., alleging that the article had been shipped in interstate commerce, in various shipments, on or about December 8 and December 16, 1933, and January 12, 1934, by the Agash Refining Corporation, from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Extra Fine Oil San Gennaro Brand Contains Virgin Olive Oil Fifteen Per Cent. Other Vegetable Oils eighty Five Per Cent. * * * With Harmless Color & Flavor, Perfected by the packers of Agash Olive Oil One Gallon, * * * The Olive Oil contained in this can is pressed from fresh picked fruit * * * The Perfect Blend by the packers of Agash Olive Oil, Agash Refining Corp., Brooklyn, N. Y."

It was alleged in the libels that the article was misbranded in that the statement, "Extra Fine Oil", the prominent statement, "Agash Olive Oil", and the statement, "The Olive Oil contained in this can is pressed from fresh picked fruit", appearing on the label, were misleading and deceived and misled the purchaser, since they created the impression that the article was olive oil, whereas it consisted chiefly of cottonseed oil, and this impression was not corrected by the inconspicuous reference in script on the label to the presence of 85 percent of other vegetable oil. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to a portion of the product for the reason that the statement on the label, "One Gallon," was false and misleading and deceived and misled the purchaser, since the cans contained less than 1 gallon, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

The Agash Refining Corporation having filed a claim as owner of the property and having executed good and sufficient bonds, decrees ordering that the product be released to the claimant were entered February 9 and March 2, 1934, and were subsequently amended under date of April 20, 1934. The decrees as amended contained formal admissions of the allegations of the libels, and consent by the claimant to the entry of the decrees, and ordered that the containers be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21957. Adulteration of sorghum. U. S. v. 2 Barrels and 2 Barrels of Sorghum. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31850, 31851. Sample no. 50510-A.)

This case involved interstate shipment of sorghum that was found to contain insects and extraneous filthy material.

On January 17, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of four barrels of sorghum at Cincinnati, Ohio, consigned by Nathan Leadingham, of Beetle, Ky., alleging that the article had been shipped in interstate commerce, on or about December 18, 1933, from Hitchens, Ky., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 21, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21958. Adulteration of butter. U. S. v. 29 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. no. 31852. Sample no. 41175-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On November 27, 1933, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 tubs of butter at

Dubuque, Iowa, alleging that the article had been shipped in interstate commerce on or about November 18, 1933, by the Mount Hope Cooperative Creamery, from Mount Hope, Wis., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On December 8, 1933, the Mount Hope Cooperative Creamery Co., Mount Hope, Wis., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked under the supervision of this Department so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

21959. Adulteration of apples. U. S. v. 450 Baskets of Apples. Consent decree of condemnation. Product released under bond for removal of deleterious ingredients. (F. & D. no. 31853. Sample no. 50502-A.)

This action involved an interstate shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On December 30, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 450 baskets of apples at Cincinnati, Ohio, consigned by J. J. Jackson & Son, from Middleport, N.Y., on or about December 23, 1933, alleging that the article had been shipped in interstate commerce from Middleport, N.Y., into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained arsenic and lead, added poisonous or deleterious ingredients.

On January 2, 1934, Stephen Bender, Cincinnati, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be disposed of in violation of the law. The deleterious ingredients were removed by washing.

M. L. WILSON, *Acting Secretary of Agriculture.*

21960. Adulteration of butter. U. S. v. 12 Barrels of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31856. Sample no. 51799-A.)

This case involved a shipment of butter that contained insects, insect larvae, and filth.

On December 18, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 barrels of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about December 8, 1933, by the J. W. Buffington Co., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On January 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21961. Misbranding of butter. U. S. v. 13 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31857. Sample no. 58105-A.)

Sample cartons of butter taken from the shipment involved in this case were found to contain less than 1 pound, the labeled weight.

On December 21, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 boxes of butter at

Northampton, Mass., consigned about December 18, 1933, alleging that the article had been shipped in interstate commerce, by the Modern Butter & Egg Co., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Pound Net."

It was alleged in the libel that the article was misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of weight was incorrect.

On February 8, 1934, the Modern Butter & Egg Corporation, New York, N.Y., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it should not be sold or disposed of in violation of the law. The article was reprinted in full pound prints.

M. L. WILSON, *Acting Secretary of Agriculture.*

21962. Adulteration of celery. U. S. v. 34 Crates and 140 Crates of Celery. Decrees of condemnation and forfeiture. Portion of product destroyed; remainder released under bond. (F. & D. nos. 31858, 32350. Sample nos. 58707-A, 58803-A.)

These cases involved interstate shipments of celery that was found to bear arsenic in an amount that might have rendered it injurious to health.

On December 14, 1933, and January 4, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 174 crates of celery at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, from Bridgeton, N.J., by the Seabrook Farms, in part on or about December 12, 1933, and in part on or about January 3, 1934, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On January 4, 1934, no claim having been entered for the lot covered by the first libel, judgment of condemnation, forfeiture, and destruction was entered. On January 5, 1934, George Lutz & Co., Philadelphia, Pa., having filed a claim for the remaining lot, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the celery involved in the case be released to the claimant upon payment of costs and the deposit of cash bond in the sum of \$150, conditioned that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21963. Misbranding of salad oil. U. S. v. 151 Cans of Salad Oil. Product released under bond to be relabeled. (F. & D. no. 31862. Sample nos. 52131-A, 52132-A.)

This case involved a product which was labeled to convey the impression that it was imported olive oil but which was found to consist largely of domestic cottonseed oil.

On January 18, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 151 cans of salad oil at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about October 2 and October 16, 1933, by the Modern Packing Co., from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Olio Fino Balbo Brand Tipo Lucca Twenty Per cent Olive Oil Eighty Per cent Salad Oil Packed by Modern Packing Co., Brooklyn, N.Y."

It was alleged in the libel that the article was misbranded in that the statement, "Olio Fino Balbo Brand Tipo Lucca", and the designs of olive branches and coat of arms and crown appearing on the label were misleading and deceived and misled the purchaser, since they created the impression that the article was imported Italian olive oil, whereas it consisted largely of domestic cottonseed oil, and this impression was not corrected by the inconspicuous statement at the bottom of the label, "Twenty Percent Olive Oil Eighty Percent Salad Oil." Misbranding was alleged for the further reason that the article

purported to be a foreign product, whereas it consisted in large part of domestic cottonseed oil.

On January 29, 1934, Murray Mester, trading as the Modern Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning and forfeiting the property, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be repacked in cans labeled to show its true nature.

M. L. WILSON, *Acting Secretary of Agriculture.*

21964. Adulteration of canned shrimp. U. S. v. 900 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 31864. Sample no. 58806-A.)

This case involved a shipment of canned shrimp that was found to be in part decomposed.

On January 19, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 900 cases of canned shrimp at Frankford, Pa., alleging that the article had been shipped in interstate commerce on or about October 14, 1933, by the DeJean Packing Co., Inc., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Frankford Brand Wet Pack Shrimp."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On January 29, 1934, the H. A. McGinniss Co. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned that the unfit portion be segregated and destroyed under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21965. Adulteration and misbranding of dried peaches. U. S. v. 75 Cases and 50 Cases of Dried Peaches. Decrees of condemnation. Product released under bond. (F. & D. nos. 31887, 31888. Sample no. 39409-A.)

These cases involved shipments of dried peaches which contained undeclared sulphur dioxide, and a portion of which contained excessive moisture.

On January 31, 1934, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 125 cases of dried peaches in part at Charlotte, N.C., and in part at Statesville, N.C., alleging that the article had been shipped in interstate commerce on or about December 20, 1933, by the Consolidated Packing Co., from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Matador Brand Selected California Choice [or "Standard"] California Peaches Packed by Consolidated Packing Co. San Francisco, California."

It was alleged in the libels that the portion of the article labeled "Standard", was adulterated in that a product containing excessive water and containing sulphur dioxide had been substituted for dried peaches, which the article purported to be.

Misbranding was alleged with respect to both lots for the reason that the article was labeled so as to deceive and mislead the purchaser, since the presence of added sulphur dioxide was not declared on the label.

On February 23, 1934, the Consolidated Packing Co. having filed a claim for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon the execution of a good and sufficient bond, conditioned that it be relabeled under the supervision of this Department, so that it comply with the law. The 25 cases of "Standard" peaches which contained excessive moisture were destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21966. Adulteration of butter. U. S. v. 1 Barrel of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31894. Sample nos. 37887-A, 54370-A.)

This case involved a shipment of butter that contained mold, flies, and other filth.

On January 9, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 barrel of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about December 16, 1933, by the Harkrader Produce Co., from Christiansburg, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Harkrader Produce Co. * * * Christiansburg, Virginia."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On February 17, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21967. Adulteration of butter. U. S. v. 1 Can of Butter. Default decree of destruction. (F. & D. no. 31895. Sample no. 50506-A.)

This case involved a shipment of butter that was found to contain filth.

On January 9, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 30-pound can of butter, at Cincinnati, Ohio, consigned by Cecil Pennington, Access, Ky., on January 4, 1934, alleging that the article had been shipped in interstate commerce from the State of Kentucky into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On January 17, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21968. Adulteration of butter. U. S. v. 15 Barrels of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31896. Sample no. 51798-A.)

This case involved an interstate shipment of butter that was low in milk fat, and also contained insects, hair, feathers, and other filth.

On December 18, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 barrels of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about December 8, 1933, by the Hanover Poultry Co., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, putrid, and decomposed animal substance, and for the further reason that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On January 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21969. Adulteration of butter. U. S. v. 2 Barrels of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31897. Sample no. 51824-A.)

This case involved a shipment of butter that contained rodent and human hairs, larvae, mold, and other extraneous matter.

On January 11, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2 barrels of butter at

New York, N.Y., alleging that the article had been shipped in interstate commerce on or about December 28, 1933, by the Western Produce Co., Inc., from Abilene, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On February 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21970. Adulteration of butter. U. S. v. 7 Cubes and 4 Cubes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31902. Sample nos. 54756-A, 54757-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On January 6, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about December 30, 1933, by the Sentinel-Missoula Creamery, Inc., from Missoula, Mont., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On February 9, 1934, the Sentinel-Missoula Creamery Co. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$285, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21971. Adulteration and misbranding of butter. U. S. v. 30 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31957. Sample nos. 58201-A, 58202-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On January 23, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of butter at Haverhill, Mass., alleging that the article had been shipped in interstate commerce by the Davis-Cleaver Produce Co., from Quincy, Ill., having been consigned on or about January 10, 1934, and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as required by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, "Butter."

On February 5, 1934, the Davis-Cleaver Produce Co., claimant, having admitted the allegations of the libel and having paid the costs of the proceedings and deposited cash collateral in the sum of \$175 to insure compliance with the orders of the court, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant and that it be reworked under the supervision of this Department so that it would contain at least 80 percent of butterfat.

M. L. WILSON, *Acting Secretary of Agriculture.*

21972. Adulteration of butter. U. S. v. 1 Barrel of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32353. Sample no. 66118-A.)

This case involved a shipment of butter that was found to contain clumps of mold, rodent and cow hairs, fragments of feathers, and larvae.

On January 18, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 barrel containing 150 pounds of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about January 3, 1934, by the Barrett Produce Co., from Dalton, Ga., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On February 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

21973. Adulteration of oysters. U. S. v. 400 Cans and 130 Cans of Oysters. Decree of destruction entered. (F. & D. no. 31993. Sample nos. 41242-A, 56439-A.)

This case involved a shipment of oysters that were found to be in part decomposed.

On February 17, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 530 1-gallon cans of oysters at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about January 15, 1934, by S. H. (W. H.) McGee & Co., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Seal Brand Raw Oysters Packed by W. H. McGee & Co., Baltimore, Md."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On February 20, 1934, upon representation by the United States attorney that the product was so decomposed as to be unfit for food and would become a nuisance unless destroyed immediately, judgment was entered ordering its destruction by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

21974. Adulteration of butter. U. S. v. 64 Cubes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32366. Sample no. 54758-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On January 12, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 2, 1934, having been consigned by the Sentinel-Missoula Creamery, Inc., from Missoula, Mont., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On February 9, 1934, the Sentinel-Missoula Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,655, conditioned that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, Acting Secretary of Agriculture.

21975. Adulteration of butter. U. S. v. 102 Boxes and 35 Boxes of Butter. Consent decrees of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. nos. 32371, 32372. Sample nos. 58490-A, 58492-A, 58493-A, 58507-A, 58508-A, 58511-A.)

These cases involved shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about February 13 and February 16, 1934, the United States attorney for the District of Maine, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 140 boxes of butter at Portland, Maine, consigned about February 6, 1934, alleging that the article had been shipped in interstate commerce, by the Davis-Cleaver Produce Co., from Quincy, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be.

On February 17 and February 20, 1934, the Davis-Cleaver Produce Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$1,200, or the deposit of cash collateral in like amount, conditioned in part that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 21826-21975

Alfalfa leaf meal. <i>See</i> Feed.		Dairy products—Continued.	
Apple butter:	N.J. No.	butter—continued.	N.J. No.
Webster Canning & Preserv-		Cole, David, Creamery Co.	21876,
ing Co.	21913		21877, 21892
chops:		Davis-Cleaver Produce Co.	21971,
Keymel, R. A.	21922		21975
pomace:		Eller, E. E., Produce Co.	21874
National Fruit Product Co.	21899	Farmers' Union Cooperative	
Speas Manufacturing Co.	21912	Creamery Co.	21897
Apples:		Fergus County Creamery	21883
Derry, N. E.	21896	First National Stores, Inc.	21885
Jackson, J. J., & Son.	21959	Floydada Creamery, Inc.	21835
Latchaw, L.	21949	Hanover Poultry Co.	21927, 21968
McKercher & Ross.	21896	Harkrader Produce Co.	21974, 21966
McKercher, Paul.	21896	Harrow-Taylor Butter Co.	21895
Ross, Kemp.	21896	Hopkinton Cooperative Cream-	
Sawyer Fruit Exchange.	21861	ery Association.	21943
Scobel & Day.	21896	Huston, Charles, & Bro.	21837
Staring, Lee.	21861	Jackson, L. D.	21874
Watson, R. A.	21866	Kiestler, M. L.	21932
Wenatchee District Coopera-		Klock, T. B., & Co.	21867
tive Association.	21838	Knoxville Poultry & Egg Co.	21875
evaporated:		Lakota Creamery Co.	21833
Claypool & Hazel.	21882	Lower Columbia Cooperative	
Claypool, W. A.	21882	Dairy Association.	21834
Hazel, F. F.	21882	Modern Butter & Egg Co.	21961
Beans:		Mount Angel Cooperative	
Uddo-Taormina Corporation.	21907	Creamery.	21836
Beverages and beverage bases:		Mount Hope Cooperative	
celery juice:		Creamery.	21958
Higgins, Edw., Food & Fruit		Mutual Creamery Co.	21894
Products.	21864	Nimrod Creamery.	21889
grapefruit juice:		Payne Produce Co.	21932
Orlando Canning Co., Inc.	21915	Pennington, Cecil.	21967
Shaver, H. A., Inc.	21915	Piel, H. L., Co.	21875
orange, malted, compound:		Poole, D. P.	21927
Malted Products, Inc.	21880	Producers Creamery Co.	21893
parsley juice:		Sardis Creamery Co.	21872
Higgins, Edw., Food & Fruit		Scales Mound Creamery.	21828
Products.	21864	Sentinel-Missoula Creamery,	
prune juice:		Inc.	21970, 21974
California Prune & Apricot		Smith, R. J.	21828
Growers Association.	21903	Spur Creamery.	21831
spinach juice:		Stovall, Roy.	21831
Higgins, Edw., Food & Fruit		Sutherland, C. R., and W. J.	21892
Products.	21864	Swift & Co.	21832, 21873, 21917
tomato juice:		Sylvatus Grocery Co.	21927, 21932
Empire State Pickling Co.	21924,	Tennyson Cooperative Cream-	
	21933	ery Co.	21941
Bone and meat scrap. <i>See</i> Feed.		Tomlinson, M. D.	21889
Butter. <i>See</i> Dairy products.		Tomlinson, S. V.	21874
Candy pops:		Waterville Cooperative Cream-	
Crystal Pure Candy Co.	21855	ery.	21948
Celery:		Western Produce Co., Inc.	21969
Chace & Co.	21888	Woodbine Creamery.	21942
Manatee County Growers As-		Dates:	
sociation.	21886	Balfour-Guthrie Co.	21952
Peppers Fruit Co.	21881	Capitol Candied Nuts, Inc.	21849
Seabrook Farms.	21962	Egg noodles. <i>See</i> Noodles.	
juice. <i>See</i> Beverages and bever-		Eggs, frozen:	
age bases.		Emulsol Corporation.	21829
Cherries, canned:		Fox, Peter, Sons Co.	21935
Berrien Packing Co.	21902	Frigid Food Products, Inc.	21955
National Fruit Canning Co.	21945	Jerpe Commission Co.	21955
Ray-Maling Co.	21826	Feed:	
cherry sirup. <i>See</i> Beverages and		alfalfa leaf meal:	
beverage bases.		Urbana Mills.	21920
Chestnuts. <i>See</i> Nuts.		bone and meat scrap:	
Cream-O-Cotton. <i>See</i> Oil, cooking.		Norton & Co.	21919
Dairy products:		Wilkins-Rogers Milling Co.	21919
butter:		cottonseed screenings:	
Armour's Creameries.	21953	Kansas City Cake & Meal Co.	21830
Barrett Produce Co.	21972	Transit Milling Co.	21830
Buffington, J. W., Co.	21960	oatmeal:	
Casdorff, C. J., & Son.	21874	Forest, J. A.	21857
Cobb, R. E., Co.	21885	Poultry Leaf:	
		Urbana Mills.	21920

	N.J. No.		N.J. No.
Feed—Continued.		Orange, malted, compound. <i>See</i> Beverages and beverage bases.	
shorts, gray, and screenings:		Oranges:	
Topeka Flour Mills Corporation	21911	Western Fruit Growers, Inc.	21836
Black Bros. Flour Mills Co.	21930	Oysters. <i>See</i> Shellfish.	
Sunshine Leaf Meal:		Parsley juice. <i>See</i> Beverages and beverage bases.	
Acton Co.	21947	Peaches:	
United Milling Corporation	21947	Britt & Co.	21898
Fish:		dried:	
salmon, canned:		California Prune & Apricot Growers Association	21848
Gosse, F. A., Co.	21901	Consolidated Packing Co.	21965
McGovern & McGovern	21842	Cured Fruit Association of California	21841
tullibees:		Rosenberg Bros. & Co.	21841
Tobin, Edward	21870	Pecans. <i>See</i> Nuts.	
tuna, canned:		Potatoes:	
Clover Farm Stores	21890	Idaho Sales Co.	21916, 21931
French Sardine Co.	21878, 21890	Poultry, dressed:	
Fruit, dried, mixed:		Gooding Cooperative Creamery	21910
California Prune & Apricot Growers Assoc.	21860	Jerome Cooperative Creamery	21910
Richardson, Morse & Harvey	21860	Leaf. <i>See</i> Feed.	
Grapefruit juice. <i>See</i> Beverages and beverage bases.		Prune juice. <i>See</i> Beverages and beverage bases.	
Grapes, dried:		Prunes, dried:	
Lion Packing Co.	21854	Jory Packing Co.	21918
Huckleberries:		Rabbits, dressed:	
Meyers, Weil, Co.	21845	Stanley Produce Co.	21938
Jelly:		Relish:	
Gibbons, A. S.	21884	Goodson, J. F., & Co.	21891
Gibbons, F. C., Sr.	21884	J. F. G. Coffee Co.	21891
Gibbons, Frank C., Sons Co.	21884	Salad Oil. <i>See</i> Oil.	
Krimp Rol Wheat:		Salmon. <i>See</i> Fish.	
Zweig, F. W., & Son	21944	Shellfish:	
Maple sirup. <i>See</i> Sirup.		oysters:	
sugar. <i>See</i> Sugar.		McGee, W. H., & Co.	21973
Mayonnaise:		shrimp, canned:	
Bronson Mayonnaise Manufacturing Co.	21847	Antich Packing Co., Inc.	21859
J. F. G. Coffee Co.	21891	Biloxi Canning & Packing Co.	21925
Goodson, J. F., & Co.	21891	Burgess-Humphreys Canning Co.	21846
Mushrooms, canned:		Deer Island Fish & Oyster Co.	21850
Kennett Canning Co.	21837	De Jean Packing Co.	21904
Kennett Square Mushroom Co., Inc.	21837	De Jean Packing Co., Inc.	21964
Mustard, prepared:		Dorgan-McPhillips Packing Corporation	21851
Mid-West Food Packers, Inc.	21827	Fenwick James, & Co.	21850
Noodles, egg:		Foster, C. B., Packing Co.	21853, 21900
Keystone Macaroni Manufacturing Co.	21909	Garner Packing Co.	21863
Krasne, A.	21909	Mavar Fish & Oyster Co.	21905
Walker Products Co.	21906	Sea Coast Packing Co.	21950
Nuts:		Southern Shellfish Co., Inc.	21852
chestnuts:		Shorts, gray, and screenings. <i>See</i> Feed.	
Pacific Trading Co.	21869	Shrimp. <i>See</i> Shellfish.	
pecans in shell:		Sirup, maple:	
Thames, W. T.	21928	Lucas, Frank	21844
walnut meats:		table:	
Demartini, L., Supply Co.	21929, 21936	Mary, J. T.	21840
Wood & Selick	21871	Wheeler-Barnes Co.	21951, 21954
Oatmeal, feeding. <i>See</i> Feed.		Sorghum:	
Oil, cooking:		Leadingham, Nathan	21957
Italian Food Products Corporation of America	21914	Spinach juice. <i>See</i> Beverages and beverage bases.	
Cream-O-Cotton:		Sugar, maple:	
Texas Refining Co.	21937	Lucas, Frank	21844
olive:		Lucas, Sumner	21844
Di Cavalcanti, F. R.	21914	Tomato juice. <i>See</i> Beverages and beverage bases.	
Dragani, T., & Co.	21839	pulp:	
Italian Food Products Corporation of America	21914	Favaloro, J. J.	21879
Liguria Olive Oil Co.	21839	puree:	
Monteverde & Parodi	21868	Clarksville Canning Co.	21853
Uddo-Taormina Corporation	21908	Tomatoes, canned:	
salad:		Baker, C. W., & Sons	21946
Agash Refining Corporation	21956	Cincinnati Canning Co.	21923
Delizia Olive Oil Co.	21843	Hazlehurst Canning Co., Inc.	21926
Modern Packing Co.	21862, 21963	Tullibees. <i>See</i> Fish.	
vegetable:		Tuna. <i>See</i> Fish.	
Cosmopolitan Oil Products Corporation	21865	Vegetable oil. <i>See</i> Oil.	
Olive oil. <i>See</i> Oil.		Walnuts. <i>See</i> Nuts.	
Olives:			
Block, Max, & Co., Inc.	21940		
Peerless Packing Co.	21921		
Quaker Maid Co.	21934		
Reeves, B. M.	21939		
Reeves, B. M., Co., Inc.	21921		

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

21976-22000

[Approved by the Acting Secretary of Agriculture, Washington, D.C., August 31, 1934]

21976. Adulteration and misbranding of Novonol Ointment and The Belmont Germicide. U. S. v. Fred Harlow Smith (The Belmont Co.). Plea of nolo contendere. Fine, \$5. (F. & D. no. 30315. Sample nos. 34577-A, 34578-A.)

This case was based on interstate shipments of Novonol Ointment and the Belmont Germicide. Examination showed that the former was not an antiseptic, as claimed in the label, and that the labeling of the latter bore unwarranted germicidal, curative, and therapeutic claims.

On January 20, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Fred Harlow Smith, trading as the Belmont Co., Springfield, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 17, 1933, from the State of Massachusetts into the State of Maine, of quantities of Novonol Ointment and the Belmont Germicide which were adulterated and misbranded.

Analyses of samples of the articles by this Department showed that the Novonol Ointment consisted essentially of a local anesthetic, such as procaine hydrochloride, incorporated in a mixture of fatty acids, and petrolatum; and that the Belmont Germicide consisted essentially of sodium chloride, borax, camphor, menthol, and a small proportion of methyl salicylate. Bacteriological tests showed that neither of the articles was antiseptic.

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, since the Novonol Ointment was represented to be an antiseptic, whereas it was not an antiseptic, and the Belmont Germicide was represented to be a germicide, whereas it was not.

Misbranding of the Novonol Ointment was alleged for the reason that the statements, "Antiseptic * * * apply the ointment to * * * produce antiseptic condition which will remain until the wound is healed. On open wounds of any nature it may be used with the utmost confidence", borne on the jar label, were false and misleading, since the article was not an antiseptic and would not produce an antiseptic condition. Misbranding of the Belmont Germicide was alleged for the reason that the statements, "Germicide A soluble powder for the immediate production of an antiseptic solution * * * by its use a standard antiseptic solution may be prepared at any time. * * * A small teaspoonful dissolved in one pint of warm water will make an antiseptic solution of standard strength", borne on the jar label, were false and misleading, since the article was not a germicide, it was not a standard antiseptic, and it was not an antiseptic when used as directed. Misbranding of the Belmont Germicide was alleged for the further reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the jar labels, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for open wounds, suppurating and ulcerating corns and bunions, and ingrowing toe nails after operation, and effective as a preventive of infection.

On February 12, 1934, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*

21977. Misbranding of Justrite Antiseptic Bird Wash. U. S. v. The Justrite Co. Plea of guilty. Fine, \$37.50. (F. & D. no. 31374. Sample no. 10120-A.)

This case involved a product which was a drug within the meaning of the law, the label of which bore unwarranted curative and therapeutic claims.

On November 28, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Justrite Co., a corporation, trading at Jersey City, N.J., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about September 9, 1932, from the State of New Jersey into the State of New York, of a quantity of Justrite Antiseptic Bird Wash that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of quassia, benzoic acid, and a nitrite such as ethyl nitrite, alcohol, and water. Bacteriological tests showed that the article was not antiseptic.

It was alleged in the information that the article was misbranded in that the statement, "Drinking Justrite Antiseptic Bird Wash is healthful to bird", borne on the bottle label, was false and fraudulent in that the said statement was one regarding the curative or therapeutic effect of the article and was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

The information also charged a violation of the Insecticide Act of 1910, reported in Notice of Judgment No. 1310. On February 2, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$37.50 for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

21978. Misbranding of Golden Brown Ointment. U. S. v. 163 Packages of Golden Brown Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31686. Sample no. 56273-A.)

Examination of the drug product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 7, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 163 packages of Golden Brown Ointment at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about July 22, 1933, and September 19, 1933, by the McKesson-Van Fleet-Ellis Corporation, from Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of mercuric oxide (10 percent) incorporated in petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Tin box) "Recommended for Eczema, Tetter, Rash, Sallow Skin and All Skin Disorders, For Eczema, Pimples, Discolorations" (carton) "Recommended for treatment of Pimples, Skin Discolorations * * *; and blotches"; (circular) "Will Clear Skin Overnight, Remove Pimples, Rash, Tetter, Making the Skin Clear."

On January 8, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21979. Misbranding of Dr. J. O. Lambert's Syrup. U. S. v. 333 Packages of Dr. J. O. Lambert's Syrup. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31733. Sample no. 58038-A.)

Examination of the drug product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Analysis showed that the article contained less chloroform than was declared on the label.

On December 15, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 333 packages of Dr. J. O. Lambert's Syrup at New Bedford, Mass., alleging that the article had been shipped in interstate commerce on or about January 24, 1933,

by Dr. J. O. Lambert, Ltd., from Troy, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of chloroform (0.91 minim per fluid ounce), creosote, volatile oils, including sassafras oil, menthol and methyl salicylate, magnesium sulphate (2.4 percent), a small proportion of a benzoate, sugar, and water.

It was alleged in the libel that the article was misbranded in that the statement appearing on the carton in English and French, "Each Ounce fluid Contains Chloroform U.S.P. $1\frac{1}{4}$ Minim", was false and misleading, since it contained less than $1\frac{1}{4}$ minims of chloroform per ounce. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Bottle label) "For the relief of Coughs, * * * etc. * * * For Catarrh * * *"; (carton) "For Coughs * * * Bronchitis, Asthma." (Similar statements made in foreign languages.)

On January 12, 1934, Dr. J. O. Lambert, Ltd., Montreal, Canada, having filed a claim admitting the allegations of the libel and having paid the costs of the proceedings and deposited a cash bond in the sum of \$200 to insure compliance with the decree of the court, judgment of condemnation and forfeiture was entered. The court ordered that the product be delivered to the claimant and that it be destroyed, or in lieu thereof that the labels be obliterated and destroyed, and that new labels be affixed, describing the true nature of the product.

M. L. WILSON, *Acting Secretary of Agriculture.*

21980. Misbranding of Benson's Gen-Lax Liniment, Fo-Sen, and Wallace's Liverade. U. S. v. 51 Bottles of Benson's Gen-Lax Liniment, 8 Bottles of Fo-Sen, and 57 Bottles of Wallace's Liverade. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31684. Sample nos. 59177-A, 59178-A, 59179-A.)

Examination of the drug products involved in this case disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed on the labels. The product known as "Liverade" failed to bear on the package an informative declaration of the quantity or proportion of alcohol contained in the article, since it was labeled, "Not over 15% alcohol", and contained 9.1 percent of alcohol by volume.

On December 8, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 bottles of Benson's Gen-Lax Liniment, 8 bottles of Fo-Sen, and 57 bottles of Wallace's Liverade at St. Louis, Mo., alleging that the articles had been shipped in interstate commerce on or about August 16, 1933, by the Ellis-Jones Drug Co., from Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part variously: "Benson's Gen-Lax Liniment * * * manufactured by Gen-Lax Med. Co. Mobile, Ala."; "Fo-Sen * * * Prepared only by Ellis-Jones Drug Co. * * * Memphis, Tenn."; "Wallace's Liverade * * * Manufactured by Liverade Medicine Co., Incorporated, Fulton, Kentucky."

Analyses of samples of the articles by this Department showed that the Benson's Gen-Lax Liniment consisted essentially of volatile oils, such as methyl salicylate and sassafras oil, red pepper extract, and a petroleum distillate, such as kerosene, colored red; that the Fo-Sen consisted essentially of extracts of plant drugs, including a laxative drug, alcohol, sugar, and water; and that the Wallace's Liverade consisted essentially of extracts of plant drugs, including a laxative drug, such as cascara sagrada, licorice, red pepper, sugar, alcohol (9.1 percent by volume), and water.

Misbranding of the Benson's Gen-Lax Liniment was alleged for the reason that the statements appearing upon the bottle and carton labels, regarding the curative or therapeutic effect of the article in the treatment of rheumatism, toothache, earache, sore throat, swellings, pains and aches, foot troubles, coughs, lame back and inflammation, catarrh of the head, nose, and throat, swollen gums, deafness, lumbago, stiff joints, colic cramps, cholera morbus, cholera infantum, diarrhea, dysentery, and pains in the stomach and bowels, were false and fraudulent.

Misbranding of the Fo-Sen was alleged for the reason that the statements upon the bottle and carton labels, regarding the curative or therapeutic effect of the article in the treatment of weak and sluggish liver, chronic constipation,

torpid liver, biliousness, nervous and sick headache, indigestion, and inactive liver, were false and fraudulent.

Misbranding of the Wallace's Liverade was alleged for the reason that the statements upon the carton labels and the accompanying circular, regarding the curative or therapeutic effect of the article in the treatment of indigestion, sick headache, dizziness, biliousness, torpid liver, headache, fevers, habitual constipation, and piles, were false and fraudulent.

Misbranding of the Liverade was alleged for the further reason that the statement on the carton label, "Not over 15% Alcohol", was misleading, since it contained only 9.1 percent of alcohol by volume, and for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article, since the statement made was incorrect.

On January 24, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21981. Misbranding of Dr. Jayne's Bryo-da Tonic Pills. U. S. v. 27 Packages of Dr. Jayne's Bryo-da Tonic Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31790. Sample no. 37882-A.)

Examination of the drug product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels and in a circular shipped with the article. The circular also purported to declare the formula of the article. Analysis showed that this printed formula was incorrect and incomplete.

On or about December 28, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 packages of Dr. Jayne's Bryo-da Tonic Pills at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about November 17, 1933, by Dr. D. Jayne & Son, Inc., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of iron powder (0.039 gram per pill), calcium and manganese glycerophosphates, copper sulphate, and extracts of plant drugs, including red pepper and nux vomica.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular were false and misleading, since they were neither correct nor complete statements of the composition of the pills:

Formula—Each Pill Contains :

Ferr. Reduct-----	.0162 Gm.	Ext. Gentian-----	.0081 Gm.
Calc. Glycerophos-----	.0646 Gm.	Pulv. Glycrrh., Acac. & Sucros.	
Ext. Nux Vom-----	.0020 Gm.	Q. S-----	.3050 Gm.
Oleores Capsic-----	.0016 Gm.		

Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effect of the article were false and fraudulent: (Bottle label) "Enriches Blood * * * Renews Vitality * * * enriches the blood, restores appetite, increases weight, strength and vitality. Splendid for nervous and physical exhaustion and general debility"; (carton) "For Blood Building * * * for Red Blood Vitality * * * Beauty for Underweight Anemia * * * Chronic Fatigue * * * For Weak Thin Nervous Men and Women * * * Strength for Underweight Low Vitality Chronic Fatigue"; (circular) "Reconstructive * * * A Systemic Aid for General Run-down Conditions, Lack of Vitality, Weakness and Loss of Appetite. * * * Rich, red blood is absolutely necessary to health and strength and as Iron is a most essential factor in making and maintaining rich, red blood, it is easy to see how important it is that the proper amount of Iron is constantly maintained in the human system. Under normal conditions the Iron necessary to supply the blood is absorbed from certain of the foods one eats, but when from Overwork, Illness, Loss of Blood (either from natural or accidental causes) and insufficient food, due to lack of appetite, the Iron necessary to supply the blood is deficient. The ordinary diet will not supply Iron rapidly enough and it therefore must be introduced into the

system rapidly. This is the purpose of Bryo-da which contains Reduced Iron, the form in which Iron is most easily absorbed into the human system. Reduced Iron, when absorbed into the system, appears as a component in the Red Cells of the Blood—that all important strength bearing fluid that flows through every muscle, organ, tissue and bone carrying in it the elements necessary to replace those worn out by overwork, worry and disease. A person, either adult or child, without sufficient Iron in their Blood, becomes pale and listless, lacks energy and endurance—is usually under their proper weight, has a poor appetite and feels tired all the time. Dizziness and ‘light-headedness’ are often symptoms of lack of sufficient blood. Young girls just maturing, children who are ‘out-growing their strength’ must have rich blood—blood with Iron in it; and a good healthy appetite for food that will build up their strength and supply the necessary materials for their nerves, muscles and bones. * * * helps to build up wasted tissues. * * * Pregnant women have a heavy drain on their systems, as they must supply blood and bone tissue nourishment to their unborn child. New mothers are often exhausted after child-birth and need a suitable nonalcoholic tonic to rebuild their strength. Bryo-da supplies all the elements most needed in the human system * * * As the conditions for which Bryo-da is recommended are usually of slow development, it must not be expected that immediate improvement will follow the first doses, but within a few days an increase of appetite will be noted—which is an indication that the treatment is beginning to take effect. Bryo-da should be taken regularly *every day*—two Pills *before* each meal (three times a day) without fail, * * * Children must be given one Pill at a dose, if they resent taking the regular doses. The treatment should be continued for at least a month—and longer if possible * * * the improved condition of the user.”

On February 7, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21982. Misbranding of Gep Quai Yok Due. U. S. v. 240 Pint Size and 120 Quart Size Bottles of Gep Quai Yok Due. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31664. Sample no. 23465-A.)

Examination of the drug preparation involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Analysis of the article showed that it contained more alcohol than was declared on the label.

On December 5, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 240 pint bottles and 120 quart bottles of Gep Quai Yok Due, at Seattle, Wash., alleging that the article had been shipped by the Herry Co., from San Francisco, Calif., on or about November 14, 1933, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: “Gep Quai Yok Due * * * Prepared by Louie Chong Dai Chinese Herb Co., * * * San Francisco, Calif.”

Analysis of a sample of the article by this Department showed that it consisted essentially of a small proportion of material of plant or animal origin, alcohol (29.5 percent by volume), sugar, and water.

It was alleged in the libel that the article was misbranded in that the statement on the label, “Twenty Five Percent Alcohol by Volume”, was false and misleading, since the article contained more than 25 percent of alcohol. Misbranding was alleged for the further reason that the statement on the label, regarding the curative or therapeutic effect of the article, “For Rheumatism”, was false and fraudulent.

On January 6, 1934, the Fung Yuen Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21983. Misbranding of Captain Bryant's Grand American Remedy. U. S. v. 43 Bottles of Captain Bryant's Grand American Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31280. Sample no. 43992-A.)

Examination of the drug product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labelings.

On October 28, 1933, the United States attorney for the Northern District of New York, acting upon a report of the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 bottles of Captain Bryant's Grand American Remedy at Binghamton, N.Y., alleging that the article had been transported from Scranton, Pa., into the state of New York by the McKallor Drug Co. on or about November 6, 1931, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "E. W. Bryant Manufacturer Scranton, Pa."; (bottle) "Prepared by E. W. Bryant Scranton, Pa."

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils, including peppermint oil, capsicum oleoresin, alcohol, and water, colored with a red dye.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Carton) "Is recommended for cramps in the stomach, bowel complaints, diarrhoea, dysentery, dyspepsia, toothache, sore throat, diphtheria, * * * earache * * * lameness and various other ailments"; (bottle) "For cramps, bowel complaint, dyspepsia, sore throat, diphtheria, toothache, earache * * * lameness, etc."

On December 12, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21984. Misbranding of Curry's Headache Powders. U. S. v. 69 Packages 10 Cent Size and 69 Packages 25 Cent Size of Curry's Headache Powders. Default decree of destruction. (F. & D. no. 31878. Sample no. 33319-A.)

This case involved a shipment of Curry's Headache Powders which contained acetanilid but were not labeled to show the amount of acetanilid in each powder. The labeling of the article bore unwarranted curative and therapeutic claims.

On January 24, 1934, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 138 packages of Curry's Headache Powders at Birmingham, Ala., alleging that the article had been shipped on or about December 21, 1933, by the Curry Arrington Co., from Rome, Ga., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of 2.4 grains of acetanilid, 0.94 grain of caffeine, and 1.5 grains of sodium bicarbonate per powder.

It was alleged in the libel that the article was misbranded in that the package failed to bear on the label a statement of the quantity or proportion of acetanilid contained in each powder. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: "Heart Stimulant * * * Directions—Place one powder on the tongue and then take a little water—If not promptly relieved, take another powder in twenty minutes * * * Cures * * * Prompt relief for * * * Nervous debility, sleeplessness * * * alcoholic and other excesses, over brain work, depression and that tired feeling."

On February 26, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21985. Misbranding of Walker's Old Indian Health Tonic. U. S. v. 22 Bottles, et al., of Walker's Old Indian Health Tonic. Default decrees of destruction. (F. & D. nos. 31826, 31827, 31828. Sample nos. 56381-A, 56382-A, 18225-A.)

Examination of the drug product involved in these cases disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings.

On January 10, 1934, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 159 bottles of Walker's Old Indian Health Tonic at Piedmont, Gadsden, and Anniston, Ala., alleging that the article had been shipped in interstate commerce in various shipments on or about June 15, 1932, and October 20 and November 13, 1933, by the Walker Medicine Co., from Atlanta, Ga., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of magnesium sulphate, ferric chloride, and quinine sulphate (0.08 gram per 100 milliliters), dissolved in water.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing on the bottle label, were false and fraudulent: "Health * * * The Unfailing Remedy For Laziness And A Drowsy Tired Sleepy Feeling Relieves Indigestion * * * Biliousness * * * Dizziness, Sick Headache, Numbness Or Chills, Kidney Or Bladder Troubles * * * Piles, Jaundice, Dropsy, Loss of Appetite, Weakness, Tired Feeling, Stimulates And Purifies The Blood, Directions For Taking—Adults Should Take A Tablespoonful In A Little Water Every Two Hours Until It Acts Well On The Bowels Then Continue Taking It Three Times A Day Before Meals—Should It Act Too Freely Reduce The Dose—Children In Proportion To Age."

On February 26, 1934, no claimant having appeared for the property, judgments were entered ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21986. Misbranding of white petrolatum and ichthyol ointment. U. S. v. 89 Jars of White Petrolatum and 45 Tubes of Ichthyol Ointment. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31809, 31810. Sample nos. 51555-A, 51556-A.)

These cases involved interstate shipments of white petrolatum and ichthyol ointment, the labels of which bore unwarranted curative and therapeutic claims.

On January 4, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 89 jars of white petrolatum and 45 tubes of ichthyol ointment at Scranton, Pa., alleging that the articles had been shipped in interstate commerce on or about October 27 and November 11, 1933, by the Price Drug Co., Inc., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libels that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the articles, appearing in the labeling, were false and fraudulent: (White petrolatum, carton and jar label) "An excellent remedy for Itching Piles Rheumatism, Swollen Limbs, For Sore Throat, Coughs, etc."; (ichthyol ointment, carton) "Directions Used externally in erysipelas * * * Carbuncles, Rheumatism, Peritonitis, etc."; (tube) "Used externally in Erysipelas * * * Carbuncle, Rheumatism, Peritonitis, Etc."

On January 26, 1934, and February 15, 1934, no claimants having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21987. Misbranding of Bevill's Lotion. U. S. v. 30 Bottles of Bevill's Lotion. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32526. Sample no. 61921-A.)

Examination of the drug product, Bevill's Lotion, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 11, 1934, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 bottles of Bevill's Lotion at Jackson, Miss., alleging that the article had been shipped in interstate commerce on or about January 19, 1934, by the Bevill Co., Inc., from Birmingham, Ala., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of salicylic acid (10.8 grams per 100 milliliters), alcohol (72.25 percent by volume) and water, perfumed with methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Carton) "Lotion for Eczema and Skin Troubles * * * Particularly recommended in the treatment and prevention of Eczema, Acne, Pimples, Breaking outs * * * Itch, new and old sores, and all disturbances affecting the skin. * * * for Eczema and Skin Troubles"; (back of bottle label) "Used for the treatment of skin ailments, such as * * * eczema * * * and similar ailments. Directions * * * For eczema, apply freely covering affected parts with a cloth, for 10 nights. For similar skin ailments apply when needed"; (circular) "Eczema Lotion * * * For Eczema, * * * Old Sores, Boils, Acne, Tetter or any other skin infection. * * * Eczema Lotion * * * For Eczema or Tetter use Bevill's Eczema Lotion only when needed. Bevill's Eczema Lotion usually heals in ten days. Be sure to cover affected parts with a cloth after using the lotion. For other skin infections use only when needed. * * * Eczema Lotion * * * Eczema * * * Eczema."

On May 11, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21988. Misbranding of Styp-Strin-Gant. U. S. v. 21 Bottles of Styp-Strin-Gant. Default decree of destruction. (F. & D. no. 31918. Sample no. 56379-A.)

Examination of the product, Styp-Strin-Gant, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On January 31, 1934, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 bottles of Styp-Strin-Gant at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about September 29, 1933, by the Lawrence Chemical Co., of Atlanta, Ga., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of potassium iodide, formaldehyde, tannic acid, glycerin, and water.

It was alleged in the libel that the article was misbranded in that certain statements contained in the circular shipped with the article regarding its effectiveness in the treatment of pyorrhea, sore gums, gum troubles, soft and spongy gums, and Riggs disease were false and fraudulent.

On March 5, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21989. Misbranding of Dr. J. O. Lambert's Syrup. U. S. v. 208 Packages of Dr. J. O. Lambert's Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31881. Sample no. 57956-A.)

This case involved a drug preparation labeled to convey the impression that it was entirely of vegetable origin. Analysis of the article showed the presence of substances not derived from vegetable sources and showed also that it contained less chloroform than was declared on the label. The labeling of the article bore unwarranted curative and therapeutic claims.

On January 26, 1934, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 208 packages of Dr. J. O. Lam-

bert's Syrup at Biddeford, Maine, alleging that the article had been shipped in interstate commerce on or about November 11, 1929, by Dr. J. O. Lambert, Ltd., from Troy, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of chloroform (0.82 minim per fluid ounce), creosote, volatile oils, including sassafras oil and menthol, magnesium sulphate (2.9 percent), small proportions of extracts of plant drugs and a benzoate, sugars (59 percent), and water.

It was alleged in the libel that the article was misbranded in that the following statements borne on the labels, (bottle) "The renowned vegetable discovery", (English and French) "Each fluid ounce contains chloroform U. S. P. one minim"; (carton) "Each ounce fluid contains chloroform U. S. P. 1¼ minim", were false and misleading, since the article was not a vegetable product and contained less chloroform than was declared. Misbranding was alleged for the further reason that the following statements appearing in the labeling were false and fraudulent: (Bottle) "For the relief of Coughs * * * etc * * * For Catarrh * * * in the head"; (carton) "For Coughs * * * Bronchitis, Asthma [similar statements in a foreign language]."

On February 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21990. Misbranding of International Stock Food Tonic and International Poultry Food Tonic. U. S. v. Thirty-seven 1½-pound Packages of International Stock Food Tonic, et al. Default decrees of destruction. (F. & D. nos. 31835, 31836, 31919. Sample nos. 23223-A, 56386-A, 56387-A, 56388-A.)

Examination of the drug products involved in these cases disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings.

On January 16, 1934, and January 31, 1934, the United States attorney for the Northern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 22½ dozen packages of International Stock Food Tonic and 8 packages of International Poultry Food Tonic at Birmingham, Ala., alleging that the articles had been shipped in interstate commerce between the dates of November 30, 1932, and December 6, 1933, by the International Stock Food Co., from Minneapolis, Minn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Stock Food Tonic consisted essentially of ground plant drugs, including quassia, nux vomica, and red pepper, sodium chloride, and small proportions of iron sulphate, calcium carbonate, sodium bicarbonate, a nitrate, sulphur, and charcoal; and that the Poultry Food Tonic consisted essentially of ground plant drugs, including quassia, sassafras, and red pepper, sodium chloride, an iron compound, calcium carbonate, sodium bicarbonate, and charcoal.

It was alleged in the libels that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the articles, appearing on carton labels, were false and fraudulent: (Stock tonic) "Feed To Help Prevent Disease And Aid Digestion And Assimilation. * * *. digestive medicine, blood purifier * * * blood tonics, increases red blood corpuscles, improves the appetite. Used for destroying intestinal worms * * * improves the appetite and stimulates intestinal action * * * stomach tonics. Gives tone to the system and improves the appetite * * * tonic indicated in the treatment of dyspepsia, loss of appetite, and convalescence from debilitating diseases * * * Excellent in digestive disorders accompanied with gas. A dependable corrective of sour stomach * * * stomach medicine. Stimulates digestive organs * * * neutralizes the gases * * * Improves the appetite, muscular strength, and hastens recovery from debilitating diseases. * * * aids digestion and increases the appetite. * * * A gastric antiseptic—prevents fermentation and putrefaction of the digestive tract. * * * increases gastric and digestive juices and improves the appetite. * * * A splendid alterative, stimulant * * * Helps Produce Pure Blood And Good Health. * * * If not thriving—mix

two tablespoonfuls with grain three times per day. Helps tone up the system, helps give new life and a glossy coat of hair. For Epizootic, Indigestion, Liver Trouble, Cough, Influenza, Hide Bound, Blood Out Of Order, Etc. * * * will promote better health for mare and colt. Two tablespoonfuls twice or three times per day will help invigorate stallions and help produce stronger foals. * * * will help increase the quantity of milk. If diseased, give two or three tablespoonfuls three times per day. * * * Helps prevent disease, helps save time and feed in preparing for market, and helps produce a better quality of beef. * * * Helps prevent disease, thus allowing growth even during winter. Try one box for that unthrifty colt. * * * Helps give health and rapid growth. * * * Helps keep the animal in good health, a condition necessary for a profitable production of lamb, mutton or wool. If diseased, use three times per day. For Fattening Hogs. * * * For rapid fattening of hogs * * * Suckling sows will raise more and stronger pigs by giving them a tablespoonful two or three times a day. * * * This will keep them healthy and promote rapid growth. * * * This invigorates the entire system, keeps them healthy, sharpens the appetite and increases the growth. * * * It will produce a marvelous change as it possesses superior methods in toning up the system, purifying the blood and aiding digestion. Worms In Hogs. Hogs cannot be expected to fatten if their digestive organs and intestines are crowded with worms. * * * An overproduction of worms in the hog's system places it in a weakened condition and an easy target for any of the numerous swine diseases. Worms should be destroyed and removed quickly"; (poultry tonic) "Helps Prevent Sickness In Poultry And Helps In A Larger Production Of Eggs * * * To Help Prevent Disease In Poultry * * * This will help regulate the blood, liver and digestive organs, and also has a stimulating action on the egg-producing organs of the hen. To Help Make Hens Lay And To Help Increase The Production Of Eggs * * * For Chicken Cholera.—As a preventive measure * * * To Help Promote Growth For Young Chicks. * * * This will help prevent disease and help to quickly prepare them for market. It will help develop strong bone, muscle, abundant plumage and a large fowl. * * * It will help invigorate the system and help promote good health. * * * The special purpose of International Medicinal Poultry Feed Tonic is to help produce good health. It helps purify the blood, helps stimulate the appetite and helps for a strong, active body. If in good health, the organs of the hen are more vigorous thus inviting a larger production of eggs. With proper care and food you can increase the supply of eggs in the winter when prices are high. One Extra Egg In Two Months will Pay the Cost of Using this Tonic."

On February 26, 1934, no claimant having appeared for the property, judgments were entered ordering that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21991. Misbranding of White Pine Tar Comp. Cough Syrup. U. S. v. 213 Bottles of White Pine Tar Comp. Cough Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31821. Sample no. 51566-A.)

Examination of the drug preparation involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The description of the article as White Pine Tar Comp. Cough Syrup was misleading in view of its composition, analysis showing that it contained medicinal ingredients other than those derived from tar and white pine. Analysis further showed that the article contained less chloroform and alcohol than was declared on the label.

On January 11, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 213 bottles of White Pine Tar Comp. Cough Syrup at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about October 14, 1931, by the National Pharmacal Co., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of tar, extracts of plant drugs, including wild cherry, chloro-

form (0.74 minim per fluidounce), alcohol (2.9 percent by volume), glycerin, sugar, and water.

It was alleged in the libel that the article was misbranded in that the name of the article, "White Pine Tar Comp. Cough Syrup", was false and misleading, since it contained medicinal ingredients other than tar and material extracted from white pine. Misbranding was alleged for the further reason that the statement on the bottle label, "Chloroform 3 Min. per fluid ounce * * * Alcohol 6%", was false and misleading, since the article contained materially less alcohol and chloroform than was declared. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Carton) "For relief of Coughs * * * Hoarseness and inflamed condition of the air passages"; (bottle) "For Coughs * * * Bronchitis and all Throat and Lung Affections. Dose Adults, teaspoonful every 2 hrs. until relieved. Children, one-half teaspoonful or less, according to age."

On January 30, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21992. Misbranding of Yob-I-Ana. U. S. v. 166 Dozen Packages of Yob-I-Ana. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31638. Sample no. 56274-A.)

Examination of the drug product, Yob-I-Ana, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton label and in the leaflets and circular shipped with the article.

On December 4, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 166 dozen packages of Yob-I-Ana at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about June 17, 1933, by Crooks Terminal Warehouse, from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Prepared by The Dulce Laboratory, Dallas, Texas."

Analysis of a sample of the article by this Department showed that it consisted essentially of petrolatum, small proportions of volatile oils, such as citronella oil and peppermint oil, and a rubifacient, such as red pepper extract.

It was alleged in the libel that the article was misbranded in that the labeling contained statements regarding the curative and therapeutic effects of the article, particularly regarding its efficacy as a remedy for conditions of sexual impotency in adult males, which were false and fraudulent.

On January 8, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21993. Misbranding of Breeden's Rheumatic Compound and Breeden's Blood Medicine. U. S. v. 41 Bottles of Breeden's Rheumatic Compound and 23 Bottles of Breeden's Blood Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31632, 31633. Sample nos. 56260-A, 56261-A.)

Examination of the drug products involved in this case disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The Blood Medicine contained alcohol and failed to bear an informative declaration of the quantity of such alcohol.

On November 29, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 bottles of Breeden's Rheumatic Compound and 23 bottles of Breeden's Blood Medicine at Dallas, Tex., alleging that the articles had been shipped in interstate commerce on or about October 9, 1933, by L. Wilson, from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Manufactured by Breeden Drug Company, Inc., Memphis, Tennessee."

Analyses of samples of the articles by this Department showed that the Rheumatic Compound consisted essentially of potassium iodide (1.5 grams per 100 milliliters), colchicine (7 milligrams per 100 milliliters), extracts of plant drugs, alcohol, and water; and that the Blood Medicine consisted essentially of potassium iodide (1 gram per 100 milliliters), extracts of plant drugs, and alcohol (14.2 percent by volume).

It was alleged in the libel that the articles were misbranded and that the following statements regarding the curative and therapeutic effects were false and fraudulent: (Rheumatic Compound, bottle) "Rheumatic Compound For Rheumatism"; (Rheumatic Compound, package) "Rheumatic Compound For Rheumatism * * * Rheumatic Compound"; (Rheumatic Compound, circular) "Rheumatic Compound We recommend it for Rheumatism. If you have Rheumatism use Breeden's Rheumatic Compound. This medicine has been tested for years, and the praise which it has received from the trade, and the good results of its use by sufferers from the disease of Rheumatism, cause us, the manufacturers, to unhesitatingly recommend it. We believe we have made it as perfect a preparation for the relief of Rheumatism as it is possible for us to do. * * * Rheumatic"; (Blood Medicine, bottle) "Medicine Blood * * * Indicated in Blood Disorders And Diseases"; (Blood Medicine, package) "Blood Medicine * * * Indicated in Blood Disorders and Diseases. Use when system is run down and blood needs rebuilding. * * * Blood Medicine Indicated in Lumbago, Skin Eruptions, Blood Boils, Sores, Stiffness Of The Joints, Muscles And Limbs"; (Blood Medicine, circular) "Blood Medicine We recommend its use when you need a Blood Builder. We want you to give it a trial when you have Blood Disorders and Diseases, Lumbago, Skin Eruptions, Blood Boils, Sores, stiffness of the Joints, Muscles and Limbs, or when system is run down and blood needs rebuilding"; (bottle, both products) "Direction: Dose: Scant tablespoonful two or three times a day, before meals, until it acts freely on the Liver, then reduce dose to suit the system if according to directions it acts too freely. For children reduce dose to suit age. If above directions cannot be followed reduce dose to 1 teaspoonful 2 or 3 times a day."

Misbranding of the Blood Medicine was alleged for the further reason that the statement on the carton label, "Contains not over 20% Alcohol by Volume", was misleading, since it contained only 14.2 percent of alcohol.

On January 8, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21994. Misbranding of Copinol. U. S. v. 69 Packages and 99 Bottles of Copinol. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31757, 31758. Sample nos. 60618-A, 60339-A.)

Examination of the drug product, Copinol, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On or about December 21, 1933, the United States attorneys for the District of Oregon and the Western District of Washington, respectively, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 69 packages of Copinol at Portland, Oreg., and 99 bottles of Copinol at Seattle, Wash., alleging that the article had been shipped in interstate commerce, the former on or about October 13, 1933, and the latter on or about October 26, 1933, by the Copinol Co., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of mineral oil, containing a trace of an alkaloid such as berberine, perfumed.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Bottle sticker) "For Catarrh, Sinusitis Hay Fever * * * When Treating Sinusitis"; (package) "For Catarrh Sinusitis Hay Fever"; (circular) "To produce beneficial results * * * Copinol will * * * Assist in Healing Inflamed membranes and clearing the nasal passages of mucous discharges * * * In extremely active cases use as often as necessary to effect relief. * * * For best results * * * For Sinusi-

tis * * * To Treat Super Sensitive Cases * * * Highly effective preparation that offers relief for hay fever Catarrh, Sinusitis * * * Copinol is usually indicated in the treatment of such conditions."

On January 23 and April 9, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. Wilson, *Acting Secretary of Agriculture*.

21995. Misbranding of J. C. Hutchison's Antiseptic Healing Oil, J. C. Hutchison's Magic Oil, Kutnow's Anti-Asthmatic Powder, Craft's Medicine, and Nash's Salve. U. S. v. 26 Bottles of J. C. Hutchison's Antiseptic Healing Oil, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31683. Sample nos. 57903-A, 57904-A, 57905-A, 57906-A, 57907-A, 59175-A.)

Examination of the drug products involved in this case disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed on the labels.

On December 8, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 bottles of J. C. Hutchison's Antiseptic Healing Oil, 14 bottles of J. C. Hutchison's Magic Oil, 11 packages of Kutnow's Anti-Asthmatic Powder, 13 bottles of Craft's Medicine, and 69 jars of Nash's Salve at St. Louis, Mo., alleging that the articles had been shipped in interstate commerce on or about September 26, 1933, by the McKesson-Van Vleet-Ellis Corporation, from Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part, variously "J. C. Hutchison's Antiseptic Healing Oil * * * Prepared by Hutchison Medicine Co., Texarkana, Texas"; "J. C. Hutchison's Magic Oil * * * Prepared by Hutchison Medicine Co., Texarkana, Texas"; "Kutnow's Anti-Asthmatic Powder * * * S. Kutnow & Co., Ltd. * * * London (Distributors) * * * New York City"; "Craft's Medicine * * * Wells Medicine Co. Sole Props. La Fayette, Indiana"; "Nash's Salve * * * Manufactured by Nash Bros. Drug Co., Jonesboro, Arkansas."

Analyses of samples of the articles by this Department showed that the Antiseptic Healing Oil consisted essentially of volatile oils, such as sassafras oil and turpentine oil, phenol, a vegetable oil, such as linseed oil, and mineral oil (approximately 75 percent); that the Magic Oil consisted essentially of chloroform, a volatile oil, such as peppermint oil, a pungent principle, such as red pepper extract, alcohol, glycerin, water, and a red dye, the 65-cent size containing, in addition, small proportions of ammonia and a salicylate; that the Anti-Asthmatic Powder consisted essentially of potassium nitrate and plant material, such as stramonium or belladonna; that the Craft's Medicine consisted essentially of turpentine oil, sulphur, and a sulphonated oil; and that the Nash's Salve consisted essentially of volatile oils, including menthol, camphor, eucalyptus oil, sassafras oil, and turpentine oil, incorporated in a mixture of glycerin and petrolatum.

Misbranding of J. C. Hutchison's Antiseptic Healing Oil was alleged for the reason that the statements appearing upon the bottle and carton labels and the accompanying circular, regarding the curative or therapeutic effect of the article, in the treatment of eczema, itch, piles, boils, sores, wounds, cracked heel, sorehead on poultry, mange on dogs, and centipede bite, were false and fraudulent.

Misbranding of J. C. Hutchison's Magic Oil was alleged for the reason that the statements appearing upon the bottle and carton labels and the accompanying circular regarding the curative or therapeutic effects of the article in the treatment of pains in the bowels and stomach, palpitation or smothering of the heart, acute indigestion, weak back, rheumatism, sore throat, croup, lagrippe, toothache, earache, colic or bots in horses, congestion, and colic, were false and fraudulent.

Misbranding of Kutnow's Anti-Asthmatic Powder was alleged for the reason that the statements appearing upon the box and carton labels and the accompanying circular regarding the curative or therapeutic effect of the article in the treatment of asthma, bronchitis, catarrh, influenza, hay fever, whooping cough, broncho-pneumonia and croup, were false and fraudulent.

Misbranding of Craft's Medicine was alleged for the reason that the statements appearing upon the bottle and carton labels and the accompanying

circular, regarding the curative or therapeutic effect of the article in the treatment of distemper, coughs, colds, shipping fever and worms, dog distemper, sheep distemper, worms in hogs, respiratory diseases, and influenza, were false and fraudulent.

Misbranding of Nash's Salve was alleged for the reason that the statements appearing upon the jar and carton labels, regarding the curative or therapeutic effect of the article, in the treatment of congestion, inflammation, coughs, catarrh, sore throat, asthma, bronchitis, hay fever, piles, boils, and tonsilitis, were false and fraudulent.

On January 24, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21996. Misbranding of Bamacea Oil, Bamacea Salve, and Gastramints. U. S. v. 633 Bottles of Bamacea Oil, et al. Consent decree of condemnation, forfeiture, and destruction. (F. & D. nos. 31677, 31678, 31679. Sample nos. 51510-A to 51514-A incl.)

Examination of the drug products involved in this case disclosed that they contained no ingredients or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 8, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 850 bottles of Bamacea Oil, 84 tins of Bamacea Salve, and 175 boxes of Gastramints at New York, N.Y., alleging that the articles had been shipped in interstate commerce between the dates of September 14, 1932, and October 19, 1933, by the Bamacea Co., Boston, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Bamacea Oil consisted essentially of small proportions of volatile oils, including methyl salicylate, spearmint oil, and rosin oil, incorporated in mineral oil; that the Bamacea Salve consisted essentially of a small proportion of volatile oil, such as spearmint oil, incorporated in a mixture of petrolatum and rosin; and that the Gastramints consisted essentially of starch, sugar, and a small proportion of a fatty acid, such as stearic acid, compressed into tablet form.

It was alleged in the libel that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the articles were false and fraudulent: (Bamacea Oil, carton, 25-cent size) "Relief For Lumbago Sciatica Rheumatism * * * Quick Relief For * * * Cramps * * * For Asthma Catarrh Hay Fever Bronchitis Pneumonia Nose Bleed Relieves * * * Stiff Neck Lamé Back Quickly * * * Relief For Painful Ovarian Trouble * * * For * * * Nose Bleed, Catarrh and Hay Fever * * * for Asthma, Bronchitis, and Pneumonia * * * For Cramps, whether in limbs, stomach or bowels, and for all forms of Rheumatism and Lameness * * * Stimulates Liver Kidneys Bowels To Action"; (carton, 50-cent size) "Relief For Lumbago Sciatica Rheumatism For * * * Nose Bleed Asthma Catarrh Hay-Fever Croup Bronchitis Quinsy Pneumonia Cramps * * * Measles Scarlet Fever Sore Feet * * * Relieves * * * Stiff Neck Lamé Back * * * Relief For Painful Ovarian Troubles * * * For Nose bleed, catarrh and hay-fever * * * for Asthma, bronchitis and pneumonia * * * For Croup, quinsy, tonsilitis, diphtheria and mumps. * * * For Pneumonia, peritonitis and appendicitis * * * over the inflammation * * * For Cramps, whether in limbs, stomach or bowels and for all forms of rheumatism and lameness * * * Stimulates Liver Kidneys Bowels To Action"; (bottle label, both sizes) "For * * * Nose-bleed * * * Rheumatism Pneumonia"; (booklet, both sizes) "Safety First Treatment For * * * Good Health * * * Why We Suffer Injuries to the body * * * cause a temporary paralysis of the nerves at the part injured and stoppage of the blood circulation. Diseases of the person are caused by a partial paralysis of the nerves controlling the blood circulation in some particular organ of the body. In either case, restore the nerves to action and the blood commences to flow through the parts affected, forcing out the congested blood in the form of sweat or blood serum, and a cure is effected * * * For frozen Ears, Fingers or Toes * * * Has been used successfully for Bronchitis, Tonsilitis, Croup, and for Pleurisy, Peritonitis,

and Influenza * * * Nosebleed and bleeding gums are stopped almost immediately * * * For * * * Lamé Muscles and Sore * * * Feet, * * * for Toothache and Earache. For Rheumatism, Neuritis, Lamé Muscles and Cramps * * * relieves the pain and soreness. For Catarrh, Hay Fever, Pneumonia * * * it helps clear the nose, throat and lungs"; (Bamacea Salve, carton, both sizes) "Bamacea Salve Quick Relief for Boils Croup Felons Quinsy Carbuncles Tonsilitis Pneumonia * * * Appendicitis * * * Peritonitis * * *"; (booklet, both sizes) "Safety First Treatment For * * * Good Health * * * healing * * * marvelous in its control of congestion. Why We Suffer Injuries to the body * * * cause a temporary paralysis of the nerves at the part injured and stoppage of the blood circulation. Diseases of the person are caused by a partial paralysis of the nerves controlling the blood circulation in some particular organ of the body. In either case, restore the nerves to action and the blood commences to flow through the parts affected, forcing out the congested blood in the form of sweat or blood serum, and a cure is effected. * * * Bamacea Salve For Pneumonia, cover the lungs with a poultice of the Salve. This helps remove the congestion, restore the circulation and enable the patient to breathe. For Peritonitis, if the Salve poultice is applied at once the inflammation and the pain quickly subside. The same treatment can be used for Pleurisy and Appendicitis or for Croup, Quinsy, Tonsilitis, Sore Throat and Diphtheria. Boils, Felons or Carbuncles are quickly relieved with a Salve poultice which saves days and often weeks of agony. The best treatment for Eczema and Sores or Ulcers is Bamacea Salve; it gives comfort quickly"; (Gastramints, carton) "Gastramints * * * for Dyspepsia, Gastritis * * * Indigestion. * * * Gastramints * * * Feed the nerves and give them strength for the work nature intended them to do; they help digest the food which you eat. Gastramints * * * Give Quick Relief From Indigestion"; (card) "Gastramints * * * Give Quick Relief From Indigestion * * * For Emergency * * * Gastramints * * * feed the nerves and give them strength. They enrich the gall * * * help digest food. They are useful in cases of Gastritis, Heartburn, Dyspepsia, Short Breath and Nervous Prostration. For Acute Indigestion, followed by gas pressure on the nerves controlling the heart's action, Gastramints give prompt relief. * * * For stomach troubles, particularly where there is pain around the heart, or an oppressed feeling"; (booklet) "Safety First Treatment For * * * Good Health * * * Why We Suffer * * * Diseases of the person are caused by a partial paralysis of the nerves controlling the blood circulation in some particular organ of the body. In either case, restore the nerves to action and the blood commences to flow through the parts affected, forcing out the congested blood in the form of sweat or blood serum, and a cure is effected. * * * Gastramint Tablets Feed the nerves and give them strength for the work nature intended them to do; they help digest the food which you eat. Heart Failure causes a greater loss of life than Pneumonia; statistics prove it, your daily paper records it; every day a prominent death is mentioned. Heart Failure, so called, is not a Heart trouble but a failure of the nerves which control it; these nerves keep you breathing and heart beating while asleep. Dyspepsia * * * Gastritis. Short breath, Palpitation of the Heart, Nervous Prostration and Stomach Troubles are helped quickly with Gastramint Tablets."

On February 17, 1934, the claimant having consented to the entry of a decree and having paid the costs of the proceeding, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21997. Misbranding of witch hazel. U. S. v. 58 Large Bottles and 34 Small Bottles of Triple Distilled Witch Hazel. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31755. Sample nos. 43055-A, 43056-A.)

This case involved a shipment of witch hazel water, the labels of which bore unwarranted curative and therapeutic claims.

On December 21, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 large and 34 small bottles of witch hazel at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about November 15, 1933, by the Sun Ray

Drug Co., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

The article was labeled in part: "Triple Distilled Witch Hazel * * * United Drug Supply Co. Inc., Philadelphia, Penna."

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing on the bottle label, were false and fraudulent: "The Great Specific for Inflammation of Every Kind. * * * Directions For the relief of all external inflammation. * * * Swellings, Lameness, Soreness, Ague, * * * Earache, Rheumatism, Sore Feet, * * * Bathe freely with the Extract, and if convenient apply a cloth wet with Extract and keep it moist until relieved. For Open Wounds, Ulcers, Old Sores, Sore Nipples, Sore Eyes, &c., dilute one-half with pure water and use in the same way. * * * For Catarrh, * * * etc., dilute and snuff up the nose. In all cases it is recommended to take internally, 10 to 30 drops four times a day."

On January 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21998. Misbranding of Nanzetta's New Prescription. U. S. v. 19 Bottles of Nanzetta's New Prescription. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30623. Sample no. 30449-A.)

This case involved a drug preparation, the labels of which bore unwarranted curative and therapeutic claims. The labels were further objectionable because they failed to bear an informative declaration of the quantity of alcohol contained in the article.

On June 16, 1933, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 bottles of Nanzetta's New Prescription at Lynchburg, Va., alleging that the article had been shipped in interstate commerce, from Greensboro, N.C., on or about March 2, 1933, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Not Over 15% Alcohol"; (carton) "Alcohol Not Over 15%."

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs, including cascara sagrada, licorice and sarsaparilla, alcohol (8.1 percent by volume), and water.

It was alleged in the libel that the article was misbranded in that it failed to bear on the labels a statement of the quantity or proportion of alcohol contained in the article, although analysis showed an alcohol content of 8.1 percent. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Carton) "For immediate relief in cases of rheumatism"; (bottle) "For liver and stomach * * * impure blood, bilious attacks, rheumatism, or loss of appetite. Directions. Adults tablespoonful three times day. Children teaspoonful three times a day before each meal. If you find the medicine works too freely on kidneys or liver, take half the amount."

On December 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21999. Misbranding of V. S. Stocktone. U. S. v. Twenty-three 6-Pound Packages of V. S. Stocktone. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29851. Sample no. 30160-A.)

Examination of the drug product, V. S. Stocktone, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 1, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of twenty-three 6-pound packages of V. S. Stocktone at Fostoria, Ohio, alleging that the article had been shipped in interstate commerce on or about December 20, 1932, from Fostoria, Ohio, to Frederick, Md., and returned to Fostoria, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium carbonate (29 percent), magnesium sulphate (11 percent), ferrous sulphate (12 percent), sulphur (4 percent), insoluble mineral matter, such as sand or clay (16 percent), a small proportion of calcium phosphate, and plant drugs, including fenugreek, quassia, American wormseed, and nux vomica.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Carton) "V. S. Stocktone is not a cure. All it is is a remedy specifically for stomach and intestinal worms, the cause of ninety percent of all the sickness and losses among live stock, especially hogs and sheep. V. S. Stocktone will destroy and expel stomach and intestinal worms. It will do more, it corrects and aids digestion, tones the system, puts the stomach in condition to assimilate the food better, enables the animal to derive more good from what you feed, creates a better appetite, regulates the bowels so that in a short time a healthy vigorous animal is the result * * * Give them free access to V. S. Stocktone. They will doctor themselves."

On November 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22000. Misbranding of Dr. Goodwin's Silkweed Herbal Compound. U. S. v. Frank Andrew Goodwin. Judgment of guilty, and fine of \$200. Fine remitted. (F. & D. no. 28168. I.S. no. 44455.)

Examination of the drug preparation on which this case was based disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 13, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank Andrew Goodwin, Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about October 12, 1931, from the State of Illinois into the State of Arkansas, of a quantity of Dr. Goodwin's Silkweed Herbal Compound which was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs, including a laxative drug such as senna, a resinous drug such as scammony, and an aromatic drug such as fennel, and inorganic material such as calcium carbonate and sodium bicarbonate.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices appearing on the package label falsely and fraudulently represented that the article was effective as a treatment for stomach, liver, kidney, blood, and bladder ailments; and effective as a treatment for rheumatism, and malaria chills, and fever.

On December 14, 1933, judgment was entered finding the defendant guilty, and the court imposed a fine of \$200. On March 19, 1934, the court ordered the fine remitted in view of the age of the defendant and his statements to the court.

M. L. WILSON, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 21976-22000

	N.J. No.		N.J. No.
Bamacea Oil:		Hutchison, J. C., etc.—Continued	
Bamacea Co.....	21996	Magic Oil:	
Salve:		Hutchison Medicine Co.....	21995
Bamacea Co.....	21996	McKesson-Van Vleet-Ellis Cor-	
Belmont Germicide:		poration.....	21995
Belmont Co.....	21976	Ichthyol ointment:	
Smith, F. H.....	21976	Price Drug Co.....	21986
Benson's Gen-Lax Liniment:		International Poultry Food Tonic:	
Ellis-Jones Drug Co.....	21980	International Stock Food Co.....	21990
Gen-Lax Med. Co.....	21980	Stock Food Tonic:	
Bevill's Lotion:		International Stock Food Co.....	21990
Bevill Co.....	21987	Jayne's, Dr., Bryo-da Tonic Pills:	
Breeden's Blood Medicine:		Jayne, Dr. D., & Son, Inc....	21981
Breeden Drug Co., Inc.....	21993	Justrite Antiseptic Bird Wash:	
Wilson, L.....	21993	Justrite Co.....	21977
Rheumatic Compound:		Kutnow's Anti-Asthmatic Powder:	
Breeden Drug Co., Inc.....	21993	Kutnow, S. Co., Ltd.....	21995
Wilson, L.....	21993	McKesson-Van Fleet-Ellis Cor-	
Bryant's, Captain, Grand American		poration.....	21995
Remedy:		Lambert's, Dr. J. O., Syrup:	
Bryant, E. W.....	21983	Lambert, Dr. J. O., Ltd.....	21979, 21989
McKallor Drug Co.....	21983	Nanzetta's New Prescription:	
Copinol:		21998
Copinol Co.....	21994	Nash's Salve:	
Craft's Medicine:		McKesson-Van Vleet-Ellis Cor-	
McKesson-Van Vleet-Ellis Cor-		poration.....	21995
poration.....	21995	Nash Bros. Drug Co.....	21995
Wells Medicine Co.....	21995	Novonol Ointment:	
Curry's Headache Powders:		Belmont Co.....	21976
Curry Arrington Co.....	21984	Smith, F. H.....	21976
Fo-San:		Petrolatum, white:	
Ellis-Jones Drug Co.....	21980	Price Drug Co.....	21986
Gastramints:		Styp-Strin-Gant:	
Bamacea Co.....	21996	Lawrence Chemical Co.....	21988
Gep Quai Yok Due:		V. S. Stocktone:	
Herry Co.....	21982	21999
Louie Chong Dai Chinese Herb		Walker's Old Indian Health Tonic:	
Co.....	21982	Walker Medicine Co.....	21985
Golden Brown Ointment:		Wallace's Liverade:	
McKesson-Van Fleet-Ellis Cor-		Ellis-Jones Drug Co.....	21980
poration.....	21978	Liverade Medicine Co.....	21980
Goodwin's, Dr., Silkweed Herbal		White Pine Tar Comp. Cough Syrup:	
Compound:		National Pharmacal Co.....	21991
Goodwin, F. A.....	22000	Witch hazel:	
Hutchison's, J. C., Antiseptic Heal-		Sun Ray Drug Co.....	21997
ing Oil:		United Drug Supply Co., Inc.....	21997
Hutchison Medicine Co.....	21995	Yob-I-Ana:	
McKesson-Van Vleet-Ellis Cor-		Crooks Terminal Warehouse..	21992
poration.....	21995	Dulce Laboratory.....	21992